



Crl.O.P.(MD) No.3401 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2024

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.3401 of 2024

G.Vanitha

...Petitioner

VS

**The Inspector of Police,
District Crime Branch,
Trichy,
Trichy District.
Crime No.18 of 2022**

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to direct the Respondent to file final report in respect of the case in Crime No.18 of 2022 on the file of Respondent within time frame as stipulated by this Court.

For Petitioner : Mr.S.Ramasamy

**For Respondent : Mr.M.Veeranthiran
Government Advocate (Crl.side)**



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ORDER

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The learned Counsel for the Petitioner submits that the Petitioner is the *defacto* Complainant in Crime No.18 of 2022 on the file of the Respondent. The Petitioner is working as Teacher. One Maruthupandian made a representation to the Petitioner that one Dhanasekaran is working in the Office of the Chief Secretariat, Chennai. He will secure a job for her as Hostel Warden. The said Dhanasekaran demanded Rs.25,00,000/- for payment to the Staff working in the Chief Secretary Office, Chennai. She had paid Rs.22,00,000/- under various installments.

2.The learned Government Advocate (Crl.side) submits that the investigation had already been completed and the charge sheet is ready. The accused 1 and 2 had obtained anticipatory bail. Till date, they have not complied with the conditions. Only for issuing warrant, the Investigation Officer is waiting for approaching the Court.

3.Considering the submissions of the learned Counsel for the Petitioner and the learned Government Advocate (Criminal Side), it is found that the case had already been registered. Therefore, the Petitioner is duty



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bound to co-operate with the pending investigation. The Respondent is directed to act as per the reporting ruling of the Hon'ble Supreme Court in the case of ***Lalitha Kumari Vs. State of Uttar Pradesh*** reported in **2014 (2) SCC 1** and in the case of ***Arnesh Kumar Vs State of Bihar*** reported in **2014 (8) SCC 273**, by issuing proper summons and by specifying the date and time for appearance of the Petitioner.

4.This Court is of the view that the Respondent is directed that on arrest of the accused, if the amount is seized, the amount shall not be returned to the complainant party, as she is indulging in illegal act of obtaining job in Government sector through agents, when the Government is conducting competitive exams for eligible candidates to fill up Government posts. What is attempted by the Petitioner is enforcement of an illegal contract through the Court of law, which the Court cannot enforce. If the amount claimed by the Petitioner that she paid the accused in this case is recovered and handed over to her, she will indulge in the same act of paying some one seeking Government Job. This has to be prevented. Therefore, the money recovered from the accused has to be forfeited/lapsed to Government account to prevent such crimes in future.



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5. Day in and day out we come across many cases, where public in Tamil Nadu are ready to pay any the amount for securing Government jobs, which means they are encouraging corruption in the society. Those who secured jobs on payment of amount to brokers will also become corrupt officers for the State, thereby defeating the purpose for which the Government Departments are working. They by their conduct prevent talented, competent youth entering Government Services. Therefore, if similar cases arise in future, the amount that is secured from the accused who are alleged to have promised to provide Government jobs on payment of money, shall be forfeited/lapsed to the State. This will serve the purpose of recruiting competitive youngsters in Government sectors, instead of spoiling the system.

6. With the above directions, this Criminal Original Petition is disposed of.

Internet: Yes./No
Index: Yes/No
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To

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- 1.The Inspector of Police,
District Crime Branch,
Trichy,
Trichy District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

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