



Crl.O.P.(MD) No.5155 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL.O.P (MD) No.5155 of 2024

and

CRL.M.P (MD) No.4056 of 2024

M.Tharun Mohan

...Petitioner

Vs.

**1.The Deputy Superintendent of Police,
Crime Branch C.I.D.,
Madurai Range,
Madurai.
(Crime No.01 of 2019)**

**2.The Inspector of Police,
Gandamanoor Vilaku Police Station,
Theni District.
(Crime No.196 of 2019)**

**3.Rajendran,
Dean,
Theni Government College,
Theni.**



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4.The National Test Agency,
First Floor,
NSTC-MDBP Building,
Okhla Industrial Estate,
New Delhi.

...Respondents

***(*R4 suo-motu impleaded by this Court vide
order dated 08.07.2024)***

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records pertaining to the First Information Report in Crime No.1 of 2019 under Sections 120(B), 419 and 420 of IPC on the file of the respondent No.1 registered by the respondent No.2 in Crime No.196 of 2019, dated 18.09.2018 and quash the same as illegal as far as the petitioner is concerned.

For Petitioner : Mr.P.Vetrivel

For R1 to R3 : Mr.T.Senthil Kumar
Additional Public Prosecutor

For R4 : Mr.K.Govinda Rajan
Deputy Solicitor General
Assisted for Mr.P.Karthick
Senior Counsel.



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ORDER

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This criminal original petition has been filed seeking to quash the FIR in Crime No.1 of 2019, on the file of the first respondent.

2.The petitioner is a middle man, who is said to have arranged a proxy. Considering the manner, in which the investigation is still pending, this Court has also raised certain queries with the respondent police and the respondent police has put the blame on the central agency/fourth respondent that they are not in a position to file the final report for want of certain documents from the central agency.

3.The learned Deputy Solicitor General appearing for the central agency/fourth respondent submits that the fourth respondent is prepared to co-operate for the investigation and they have furnished all the documents, which were required by the investigation agency. This has also been confirmed by the learned Additional Public Prosecutor appearing for the respondent police.



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4.The learned Additional Public Prosecutor has raised serious objections to this petition that the petitioner is the middle man and that the investigation is in the crucial stage. He further submits that they are also requiring some assistance from the Central Bureau of Investigation and that they have shared the documents with the CBI, which have been collected by them to identify the persons, who have impersonated and written the examination in the name of eight students.

5.Considering the objections of the learned Additional Public Prosecutor that this petitioner is the middle man, the investigation is also in the crucial stage and that too, they have certain difficulties in identifying the accused in view of the technical problems, this Court is not inclined to quash the impugned FIR. However, the respondent police shall not keep the matter pending without any progress in the investigation.

6.The allegation in the complaint is against the system. The students, who are appearing for the NEET Examination, would get demoralized, if proper action has not been taken and they may also be influenced to commit mischief. A proper prosecution alone can solve this issue. Since it is an



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offence against the society and as against the meritorious students, the investigation agency has to take appropriate action, find out the the culprits and file the final report.

7.The Central agencies are also expected to co-operate with the State agency to find out the culprits. In the event, if any of the agencies are not co-operating with the investigation officer in getting the details, it is open to the investigation agency to approach this Court seeking directions as against the concerned agencies. Merely by recording that some agencies are not providing materials, the investigation agency is not supposed to keep the matter pending for years together.

8.This Court also expects the Additional Director General of Police, CBCID to follow up the case and ensure that the final report is filed in Crime No.1 of 2019, within a period of four months, from the date of receipt of a copy of this order. In the event if any final report has been filed, depending upon the materials as against the petitioner, the petitioner is at liberty to challenge the same in the manner known to law.



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9.Since it is an offence as against the system, the second respondent police as well as Central Bureau of Investigation are expected to co-operate with the first respondent/CBCID by providing the materials at the earliest.

10.With the above direction, this criminal original petition is disposed of. Consequently, connected miscellaneous petition is closed.

02.08.2024

NCC : Yes/No
Internet:Yes/No
Index:Yes/No
LR

To
1.The Deputy Superintendent of Police,
Crime Branch C.I.D.,
Madurai Range,
Madurai.
(Crime No.01 of 2019)

2.The Inspector of Police,
Gandamanoor Vilaku Police Station,
Theni District.
(Crime No.196 of 2019)

3.The Dean,
Theni Government College, Theni.

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4.The National Test Agency,
First Floor,
NSTC-MDBP Building,
Okhla Industrial Estate,
New Delhi.

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to

1. The Additional Director General of Police,
CBCID, Chennai.

2.The Joint Director/Head of Zone,
III Floor, EVK Sampath Building,
Chennai-6.



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B.PUGALENDHI, J.

LR

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