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Crl.O.P.(MD)No.9491 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on	:	01.08.2024
Pronounced on	:	16.08.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.O.P.(MD)No.9491 of 2024

Ramachandran

... Petitioner

Vs.

1.The Superintendent of Police,
O/o. The Superintendent of Police,
Thanjavur District.

2.The Deputy Superintendent of Police,
Vigilance and Anti Corruption,
Thanjavur District.

3.The Inspector of Police,
Vigilance and Anti Corruption,
Thanjavur District.
(Crime No.4 of 2019)

... Respondents

PRAYER: Criminal Revision filed under Section 482 of the Criminal Procedure Code, to transfer the investigation of the case in Crime No.4 of 2019 on the file of the second respondent to any other investigating agency.

For Petitioner : Mr.K.Navaneetharaja

For Respondents : Mr.S.Ravi
Additional Public Prosecutor
for R1



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ORDER

This criminal original petition has been filed by the complainant in Crime No. 4 of 2019 on the file of the respondent police to transfer the investigation to some other agency.

2.The petitioner is the secretary of a political party. He made a complaint to the respondent police relating to misappropriation of various Government funds under the Pradhan Mandhiri Awas Yojana Gramin (PMAY) and Swach Bharath Mission Scheme, implemented in Vendayampatti Village Panchayat of Budalur Panchayat Union at Thanjavur District during 2016-2017. The respondent police registered a case in the above Crime No. 4 of 2019 for the offence under Sections 120 (b), 467, 468 and 471 of I.P.C., r/w. 13(1)(c) r/w 13 (2) of the Prevention of Corruption Act and also 109 of I.P.C. After the registration of the case, there was no progress in the investigation and hence, he filed Crl.O.P.(MD).No.18020 of 2019 to expedite investigation. This Court recorded the submission of the Learned Additional Public Prosecutor that the investigating agency would complete the investigation within 1 year and closed the same by order dated 03.12.2019.



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3. Even after that there was no progress and final report has not been filed and hence, he has filed the present criminal original petition to transfer the case to the some other agency.

4.The Learned Additional Public Prosecutor on instruction, submitted that, the case of the petitioner that the investigation has been not completed is not correct. The investigation was completed and the negative final report has been prepared recommending departmental proceedings. The respondent police is going to file the final report before the competent special Court. At this stage, this petition is not maintainable.

5. This Court considered the rival submission made on either side and perused the records.

6. The respondent police registered the case on the basis of the complaint given by the petitioner under Sections 120 (b), 467, 468 and 471 of I.P.C. r/w. 13(1)(c) r/w. 13 (2) of the Prevention of Corruption Act and also



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109 of I.P.C. Now, the investigating agency submitted that they have closed the case recommending initiate department proceedings. But, the said final report was not filed before the competent Court. Therefore, this Court inclines to issue a direction to the Special Court to issue notice to the petitioner before taking decision on the said negative report. The Hon'ble Supreme Court in the judgment in the case of ***Bhagwant Singh v. Commissioner of Police and another***, reported in ***AIR 1985 SC 1285***, has held that before closing the case on the basis of the negative report of the investigating agency, notice is to be issued to the defacto complainant and should take decision after hearing the defacto complainant.

7. Accordingly, this criminal original petition is disposed of with the following directions :

7.1. The investigating agency is directed to file the final report in Crime No. 4 of 2019 on the file of Special Judge Chief Judicial Magistrate, Thanjavur, within a period of one month from the date of receipt of a copy of this order.

7.2. The learned special judge is hereby directed to issue notice to the defacto complainant with a copy of negative report and hear him by giving



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adequate opportunity to him and thereafter, take a decision either to accept the negative final report or issue direction to conduct further investigation as per law.

16.08.2024

NCC : Yes/No
Index :Yes/No
Internet :Yes/No
vsg



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- 1.The Superintendent of Police,
O/o. The Superintendent of Police,
Thanjavur District.
- 2.The Deputy Superintendent of Police,
Vigilance and Anti Corruption,
Thanjavur District.
- 3.The Inspector of Police,
Vigilance and Anti Corruption,
Thanjavur District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
5. The Section Officer,
Criminal Section(Records),
Madurai Bench of Madras High Court,
Madurai.
- 6.The learned Special Judge
Chief Judicial Magistrate,
Thanjavur.



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K.K.RAMAKRISHNAN, J.

vsg

Predelivery order made in
Crl.O.P.(MD)No.9491 of 2024

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