



Crl.O.P.(MD).No.19931 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:20.11.2024

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THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.O.P(MD).No.19931 of 2024

and

Crl.M.P.(MD).No.12286 of 2024

A.Eswaran

... Petitioner

Vs.

1.The Inspector of Police,
Vigilance and Anti Corruption Wing,
Sivagangai Detachment,
Sivagangai.
(In Crime No.6 of 2024)

2.G.Arputham

... Respondents

PRAYER: Criminal Original Petition has been filed under Section 528 of BNSS., to call for the records of the proceedings in Crime No.6 of 2024 on the file of the first respondent Police (Vigilance and Anti Corruption Wing, Sivagangai Detachment, Sivagangai), quash the same.

For Petitioner

: Mr.T.K.Gopalan

For Respondents

: Mr.R.Meenakshi Sundaram
Additional Public Prosecutor,
for R1,



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ORDER

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The petitioner/A1 in Crime No.6 of 2024, filed this petition to quash the proceedings in Crime No.6 of 2024, on the file of the first respondent.

2.The case of the prosecution is that on 12.08.2024, the defacto complainant/second respondent approached the petitioner to get a rectification deed registered in the sub Registrar's Office. Thereafter, the petitioner directed the defacto complainant/second respondent to approach the document writer one Kannan/A2. Thereby, the defacto complainant/second respondent approached the said Kannan and he demanded a sum of Rs.18,000/-. Again on 27.08.2024, the defacto complainant/second respondent approached the petitioner along with his brother and sought reduce the quantum of bribe. Based on which, the defacto complainant/second respondent lodged a complaint. Based on the complaint given by the second respondent, the first respondent Police registered a case in Crime No.6 of 2024 for the offence under Section 7(a) and 12 of the Prevention of Corruption Act, 1988. To quash the same, the present petition has been filed.

3.The learned Senior Counsel would submit that it is the specific case of the defacto complainant that he was present on 12.08.2024 and approached the



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petitioner and the petitioner said to have approached the document writer namely, Kannan. The learned counsel would further submit that the petitioner is not present on that date. Thereby, he produced number of documents to show that he was not present on that date. Hence, he seeks to quash.

4.In sum and substance of the case, his plea is alibi. The same is not a ground to quash the FIR in Crime No.6 of 2024.

5.At this stage, the learned counsel for the petitioner requested this Court to direct the investigation officer to consider the above said material under finding on the defence.

6.The said submission is recorded and this Court accepted his request. Hence, this Criminal Original petition is disposed of in the following directions:

6.1.The petitioner is directed to appear before the investigating officer along with the above said material and the investigating officer is directed to consider the same during the course of the investigation in accordance with law.

6.2.It is open to the investigating officer look into the material subject to the admissibility as per law.



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6.3.The investigating officer is directed to complete the investigation within a period of six months from the date of receipt of a copy of this order.

Consequently, the connected criminal miscellaneous petition is closed.

20.11.2024

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

To

- 1.The Inspector of Police,
Vigilance and Anti Corruption Wing,
Sivagangai Detachment,
Sivagangai.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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K.K.RAMAKRISHNAN, J.

vsg

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