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CRL OP No. 26924 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-06-2025

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THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL OP No. 26924 of 2024

K.Ezhil Rani

... Petitioner

Vs

1. The State Rep By Its,
The Inspector Of Police, Directorate
Of Vigilance And Anti Corruption,
Ariyalur District.

2.P.Gunasekaran
S/o.Pattabiraman, Deputy Inspcting
Officer, District Collectorate
Thiruchirapalli District.

... Respondents

PRAYER

Criminal Original Petition under Section 528 of BNSS 2023 To call for the records and quash the further proceedings in Cr.No.03 of 2024 pending on the file of the 1st respondent Vigilance and Anti Corruption Ariyalur District.

For Petitioner : Mr.P.Muthamizh Selvakumar

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor -
for R1

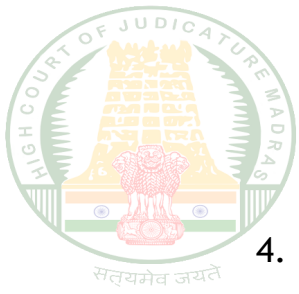
**ORDER**

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This Criminal Original Petition is filed with a prayer to call for the records in respect of the FIR registered in Crime No.3 of 2024 on the file of the first respondent and to quash the same.

2. The gist of the allegations contained in the FIR is that, when a surprise check was conducted in the office of the petitioner, where the petitioner is working as Assistant Director of Agriculture, certain amounts were found. The petitioner had taken out cash from a bag and presented it during inspection, whereby she has stated that a sum of Rs.1050/- was her personal money. A sum of Rs.1,31,200/- and another sum of Rs.1,25,000/- totalling to Rs.2,56,200/- was separately bundled and accounted for, as if it is collected from the farmers for selling the maize seeds, Azospirillum, Phosphobacteria and other organic fertilizers etc., to the farmers and she has also shown accounts for the same.

3. As per the version of the prosecution, the entire set is a kit that is given to the farmers fully at 100% subsidy during the farming season. Therefore, any amount collected from the farmers would only amount to obtaining undue pecuniary advantage and therefore the case was registered and investigation is proceeded with.



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4. Aggrieved by the said registration of case, the petitioner has

approached this Court.

5. According to the learned counsel for the petitioner, the entire case of the respondent is fallacious and absurd. As a matter of fact, the petitioner is liable to collect the said amount at the rate of Rs.1600/- from each of the farmer as instructed and that is why the petitioner had collected the amount and she has clearly labelled and bundled the said amount in the office bag. Only once in two days the petitioner would deposit the same in the treasury. This was the previous two days' collection and before the amount to be deposited in the treasury, inspection took place and the case is registered. Even from the Government Order or other communications, it cannot be said that the entire kit has to be given free of cost to the farmers.

6. Per contra, the learned Additional Public Prosecutor appearing for the first respondent would submit that the entire Scheme is to give the kits to the farmers free of cost. The version as argued by the learned counsel for the petitioner is incorrect. As a matter of fact, the seeds are purchased by the Government and through the respective Units, the amount will be paid to the National Seeds Corporation and that no money is in any way is intended to be collected from the farmers. Therefore, when *prima facie*



with a particular view the FIR is registered, even if it is the contention of the petitioner that the basis on which the prosecution is proceeded is erroneous, the petitioner can very well appear before the investigating authority and place such materials that she was supposed to collect the money, and the same will be taken into account. This Court can only interfere at this stage by quashing the FIR, if the averments made in the FIR does not make out any offence or if the entire exercise is a patent abuse of power. If the version of the prosecution that the entire kit is to be given free of cost is proved, then it cannot be said that it is abuse of power or that no offence is made out.

7. Therefore, these factual defences can very well be taken before the investigating officer, who can dispassionately consider the averments that are made by the petitioner and thereafter file a final report in accordance with law. It is needless to mention that the petitioner shall also place all the materials she is having requiring her to collect the money from the farmers, which shall be looked into by the investigating officer while coming to a conclusion whether any offence is made out or not. The Criminal Original Petition is dismissed.

18-06-2025

KST

Neutral Citation: Yes/No



To

1. The Inspector Of Police, Directorate Of
Vigilance And Anti Corruption, Ariyalur District.

2. The Public Prosecutor
High Court, Madras.

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D.BHARATHA CHAKRAVARTHY J.

KST

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