

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.160 OF 2020  
(Arising out of SLP(Crl.) No.689 of 2020)  
(Diary No. 42166 of 2019)

THE INSPECTOR OF POLICE CBCID & ANR.

Appellant (s)

VERSUS

S. PITCHAIRAJ & ANR.

Respondent(s)

O R D E R

Delay condoned.

Leave granted.

This appeal takes exception to the judgment and order dated 23.04.2019 passed by the Madurai Bench of Madras High Court in Criminal Original Petition No. 20990 of 2013, whereby the High Court quashed the FIR registered on 05.09.2010 bearing Crime No. 225 of 2019 P.S. Gandarvakottai now transferred to CBCID on the sole ground that the FIR is bereft of details and there is no averment therein to constitute offence against respondent No.1.

The High Court in paragraph 3 of the impugned order has also recorded the submission of the counsel appearing for the State that there is no material connecting the

respondent No.1 with any misappropriation.

We fail to understand as to how such submission could have been made by the Government Advocate. For, it is not supported by the record and the explicit allegations contained in the FIR. The correctness of the said allegations could be ascertained only during investigation. We find that the impugned order of the High Court is manifestly wrong if not perverse, in observing that the FIR in question is bereft of details and that there is no averment which would constitute offence against the respondent No.1. We set aside the same.

As a result, this appeal succeeds. The impugned order is quashed and set aside. The FIR is restored to the file to be proceeded in accordance with law.

Needless to observe that the investigation in connection with the subject FIR must proceed on its own merits without being influenced by any of the observations made in this order.

Accordingly, the petition for quashing of the subject FIR stands dismissed.

While parting, we note that it is not necessary for us to examine the argument of the appellant-State that

the respondent No.1 (petitioner in quashing petition) had intentionally not impleaded CBCID as party respondent, which was investigating the matter at the relevant time.

Appeal is allowed in the above terms.

Pending applications, if any, stand disposed of.

.....J  
(A.M. KHANWILKAR)

.....J  
(DINESH MAHESHWARI)

New Delhi  
January 24, 2020

ITEM NO.66

COURT NO.6

SECTION II-C

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 42166/2019

(Arising out of impugned final judgment and order dated 23-04-2018  
in CRLOP(MD) No. 20990/2013 passed by the High Court Of Judicature  
At Madras At Madurai)

THE INSPECTOR OF POLICE CBCID &amp; ANR.

Petitioner(s)

VERSUS

S. PITCHAIRAJ &amp; ANR.

Respondent(s)

(FOR ADMISSION and I.R.

IA No. 190293/2019 - CONDONATION OF DELAY IN FILING)

Date : 24-01-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR

HON'BLE MR. JUSTICE DINESH MAHESHWARI

For Petitioner(s)

Mr. Jayanth Muth Raj, Sr. Adv.

Mr. M. Yogesh Kanna, AOR

Ms. Uma Prasuna Bachu, Adv.

For Respondent(s)

Mr. B. Ragunath, adv.

Mrs. N.C. Kauitha, Adv.

Mr. Vijay Kumar, AOR

UPON hearing the counsel the Court made the following  
O R D E R

Delay condoned.

Leave granted.

The appeal is allowed in terms of the signed order.

Pending applications, if any, stand disposed of.

(DEEPAK SINGH)

COURT MASTER (SH)

(VIDYA NEGI)

COURT MASTER (NSH)

[Signed order is placed on the file]

