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STATE OF PUNJAB

v.

MANINDER SINGH

AUGUST 19, 1996

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[K. RAMASWAMY AND G.B. PATTANAİK, JJ.]

*State Government—Officer—Misappropriation of public funds by—F.I.R.—Order of High Court quashing FIR—Petition by State—State failing to produce charge sheet and statements under Section 161 Cr.P.C.—Direction by Supreme Court—Consequently charge-sheet prepared but Government taking a decision not to proceed with matter—State Counsel stating that he does not want to proceed with matter as per the instructions of the Government—petition filed by State dismissed—Conduct of State Government in shielding the corrupt officers strongly disapproved.*

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CRIMINAL APPELLATE JURISDICTION : Special Leave Petition (Crl.) No. 2129 of 1992.

From the Judgment and Order dated 24.4.91 of the Punjab & Haryana High Court in Crl. Misc. No. 4471-M of 1989.

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R.S. Suri for the Petitioner.

K.K. Mohan for the Respondent.

The following Order of the Court was delivered :

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It is astonishing and we are aghast to find that the State Government legitimised corruption and decided to shield the officers who have committed misappropriation of public funds to the tune of Rs. 1.61 crores as culled out during investigation. It is obvious from the record that the Government wants to hide the persons and shield the officers responsible for committing misappropriation. This petition was filed against the order of the High Court quashing the F.I.R. filed against the respondent. The High Court based its conclusion on a noting made by an officer that no action was needed. The order of the High Court is contrary to the fundamental principles of criminal law and the settled legal position. When

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notice was issued, the action of the State Government compounded the flagrant miscarriage of justice. But when we have pointed out to the counsel

for the petitioner as to whether the charge-sheet has been filed and directed them to produced the charge-sheet and statement under Section 161, Cr.P.C. from November 30, 1995 despite adjournment of the case time and again to produce charge-sheet filed in the trial Court, they failed to produce the same. So sensing some foul play somewhere, by order dated April 4, 1996, this Court directed the Chief Secretary to have an enquiry conducted in this behalf and to submit a report. In response thereto, pat come on the back of the accused and from the record it would be clear that the charge-sheet, though was prepared by the officer, after thorough investigation, the same did not breath life since the Government did take a decision no to proceed with the matter. Therefore, the decks have been cleared in the case for the corrupt officers, who had swindled the public money and misappropriated it, to escape from clutches of law. Counsel for the State states before us that he does not want to proceed with the matter as per the instructions of the Government.

The petition is accordingly dismissed. However, we record our deep anguish and strong disapproval of the conduct of the Government in shielding corrupt officers who committed misappropriation of public funds from being prosecuted and punished according to law.

T.N.A.

Petition dismissed.