

(2002) 05 AHC CK 0143
In the Allahabad High Court
Case No : Criminal M.W.P. No. 47 of 2002

Ram Gopal Sharma and Another

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 17-05-2002

Acts Referred:

Constitution of India, 1950 — Article 226
Railways Act, 1989 — Section 143, 149

Citation : (2002) 2 ACR 1623

Hon'ble Judges : S.R. Singh, J; R.K. Dash, J

Bench : Division Bench

Advocate : K.K. Srivastava, for the Appellant; A.G.A., for the Respondent

Final Decision : Dismissed

Judgement

R.K. Dash, J.—The two Petitioners, employees of Northern Railway, have filed this petition seeking quashing of the F.I.R. in Case Crime No. 109 of 2001 u/s 143/149 of Railways Act at P. S. R.P.F./M.T.C., Meerut. The background facts giving rise to initiation of the aforesaid criminal proceeding may briefly be stated thus:

Petitioners Ram Gopal Sharma and Amar Singh are posted as reservation clerk in Northern Railway, Meerut Junction and Modinagar railway station respectively. The allegation against them is that taking advantage of their official position, they have been regularly issuing reserved tickets in bunch to travel agents. One Rajiv Singhal, who runs a travel agency in the name of Singhal Travels, Subhas Bazar, Meerut was intercepted by the police on 8.12.2001 and on personal search, nineteen tickets of different destination were recovered from him and on query by the police, he admitted that he is doing this business with the help of these Petitioners. He further admitted that he regularly obtains tickets from them on making payment. The allegations as aforesaid prima facie disclose commission of a cognizable offence, which requires investigation by the police. The plea of the Petitioners is that they are innocent and have been falsely

implicated on the basis of the statement of co-accused inadmissible in evidence and, therefore, the criminal proceeding on the basis of the F.I.R. should be quashed. We are not inclined to accept such contention and quash the F.I.R. when investigation has just commenced. It will be ascertained in course of investigation as to whether nineteen tickets recovered from the co-accused Rajiv Singhal were really issued to bona fide passengers or by obtaining pecuniary gain, these Petitioners had sold the tickets to Rajiv Singhal to help him in the business. In view of the peculiar nature of the case, proof of the accusation will mainly rest on circumstantial evidence because as alleged, the deal was in between the travel agent and the Petitioners. Besides others, two main circumstances are (i) whether the persons in whose names tickets were issued are fictitious and (ii) whether during the working hours of the Petitioners, tickets were issued. Fact remains that nineteen tickets were recovered from the possession of Rajiv Singhal, the co-accused. This raises accusing finger at him as well as the clerk of the reservation counter of the concerned railway station. The allegation being serious in nature deserves to be thoroughly investigated to nab the culprits. In such matters, any interference by the Court in exercise of extraordinary writ jurisdiction under Article 226 of the Constitution will encourage corruption in public offices. Needless to say, India is one of the corrupt countries in the world. Corruption like a cancer has affected the society in every sphere resulting erosion in values of life. Prevailing law has not been effective to catch the corrupt people in the net. Therefore, law should be amended. Besides, separate independent investigation agency should be constituted and separate courts should be established to try such offences so that without any time-gap, person committing crime is suitably punished, otherwise the country will be ruled by the corrupt people.

2. Regard being had to the facts and circumstances, we are of the considered opinion that it would be a misplaced sympathy if any interference in the matter of investigation of the present case is made in exercise of extraordinary writ jurisdiction.

3. In the result, criminal writ petition fails and the same is dismissed.