



Serial No.02
Supple List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl. M.C. No.26 of 2025 in
Crl. Petn No.20 of 2025

Date of Order: 11.04.2025

Shri Dharamukkala Srinivasa Rao Vs. S/o Late D. Suryanarayana Deputy General Manager(Contracts) M/s BSC-C&C Joint Venture at BSCPIL, Plot No. 30, Institutional area – Sector 32, Gurugram, Haryana.	1.State of Meghalaya represented by the Secretary Government of Meghalaya, Home (Police) Department. 2. Superintendent of police(Crime) East Khasi Hills District, Shillong Meghalaya. 3.Dy Superintendent of police (Crime) East Khasi Hills District, Shillong, Meghalaya. 4.Chief Engineer (NH), PWD (Roads), Shillong, Meghalaya East Khasi Hills District, Meghalaya.
---	--

..... Applicant.

.....Opposite Parties.

Coram:

Hon'ble Mr. Justice B. Bhattacharjee, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. A. A. Tiwari, Sr. Adv. With
Mr. A. Raghuvanshi, Adv.
Mr. K. Ch. Gautam, Adv.
Ms. G. C. Marboh, Adv.



For the Respondent(s) : Mr. A. Kumar, AG with
Mr. A. S. Pandey, GA.

ORAL:-

The applicant is employed as the Deputy General Manager (Contracts) in M/s BSC-C&C Joint Venture at BSCPIL, Gurugram, Haryana and also an authorized representative of the said company for dealing with the disputes before Dispute Redressal Board (DRB), Arbitration and Courts with the Opposite Party No.4.

By this application, the applicant has prayed for staying of the FIR dated 10-09-2024 registered before the Sadar P.S Case No. 286 (9) of 2024 under Section 120B/409/420/471/477A/468/34 IPC.

Mr. A. A. Tiwari, learned Senior Counsel assisted by Mr. A. Raghuvanshi, learned Counsel for the applicant has submitted that the dispute involved in this matter arose out of a contractual work which is purely civil in nature. He submitted that the opposite party No.4 was forced to pay an amount of INR. 91 Crores (approx.) to the company of the applicant in terms of the order passed in an arbitration proceeding, which was subsequently upheld by the High Court and the Apex Court. He submitted that the opposite party No.4 after being forced to pay the aforesaid amount has sought to attach criminality to the civil dispute and filed the impugned FIR dated 10-09-2024 in total abuse process of law. He submitted that even if the FIR is taken on its face value and accepted in its entirety, no prima facie case is made out against the applicant. Drawing attention to the various allegations made in the FIR, the learned Senior Counsel submitted that there is no whisper of commission of any criminal offence by the applicant. He submitted that the criminal proceeding has been initiated with



malice and ulterior motive to coerce the employer of the applicant into giving up their legitimate contractual claim, which are pending adjudication in arbitration. The learned Senior Counsel drew support from the observations made by this Court in its order dated 19-06-2023 in Arbitration Appeal No.6 of 2023 and submitted that no blame or misconduct had been attributed to the applicant and his employer; the order of the High Court has not been interfered by the Apex Court by its order dated 07-08-2023. He submitted that the FIR is fraught with malice and the malicious intention of the opposite party No.4 is apparent as the motive is to dissuade the applicant from advancing his legitimate contractual right and to pressurize the applicant to succumb to the demand of the opposite party No.4. He further submitted that none of the ingredients of the offences under which the case has been registered are present in the allegations made in the FIR. He submitted that there is strong *prima facie* case in favour of the applicant and unless the FIR is stayed the applicant will suffer irreparable damage. Reliance was placed on the decision of the Apex Court (2019) 16 SCC 739, *Prof. R. K. Vijayasathya & Anr. Vs. Sudha Seetharam & Anr.* and on the *Judgment dated 20-03-2024* in the case of *A.M. Mohan Vs. The State represented by Shri & Anr.*

The Mr. A. Kumar, learned AG assisted by Mr. A. S. Pandey, learned GA appearing for the opposite parties, on the other hand, strongly objected to the prayer made on behalf of the applicant and submitted that all the essential ingredients constituting the offence under Section 120B/409/420/471/477A/468/34 IPC are very much present in the FIR. He submitted that in addition to the offences under IPC, the FIR has also been filed for offences under Sections 7, 8, 9, 13(1) (c), (d) and (e) read with Section 13 (2) of the Prevention of Corruption Act, 1988. The learned AG has drawn attention to the FIR and pointed out that there are clear allegations



of collusion between the contractor and the erring officials of PWD (NH) Roads in causing loss to the public exchequer. He has also drawn attention of this Court to the relevant entries made in the Ledger Account appended with this petition in support of the allegation of collusion between the applicant and DRB members. The learned AG further referred to the various observations made in the final award and submitted that there is clear indication of connivance between the engineers and the applicant's company. It is also submitted by the learned AG that the Apex Court while disposing of the SLP (Civil) No. 16223/2023 has kept all rights and contentions of the parties open and the collusion between the applicant and the persons named in the FIR came into light after revelation of the facts in the adjudication of dispute between the parties. He, therefore, submitted that no case has been made out by the applicant for stay of the FIR and prayed that the application may be rejected.

Upon hearing the rival parties and on perusal of materials on record, it is clear that the facts revealed during the course of arbitration proceeding led to the suspicion of commission of several criminal acts by the persons named in the FIR and other unknown persons in conspiracy with officials to defraud the public exchequer of huge amounts. The FIR dated 10-09-2024 contains details of many instances of such alleged criminal act disclosing payment of cash for purchase of gift items to the government officials and local administration. There are also allegations of providing wine bottles, costly gift items by way of bribe by the contractor to the government officials/engineers. That apart, the documents attached with the FIR also gives rise to the suspicion of influencing sales tax officers, IOCL Officials, officers of PWD department, MoRTH officials and DRB members. Furthermore, the final award of the Arbitral Tribunal dated 12-12-2024 also



indicates existence of connivence between the engineers and the officials of the applicant's company.

In view of the above, at this juncture, it cannot be said that the FIR contains no allegation against the applicant and, hence, the prayer for stay of investigation is hereby rejected.

The application stands disposed of.

Judge

Meghalaya
11.04.2025
"Biswarup PS"

