



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-06-2026

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THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL OP No. 4350 of 2026

and

Crl.M.P.No.3083 of 2026

Subramani

..Petitioner(s)

Vs

1. The State Rep. by the Inspector of Police,
Central Crime Branch,
Egmore, Chennai District.
(X Crime No.77 of 2000)
2. The Executive Engineer and Administrative
Officer, Tamil Nadu Housing Board,
Besant Nagar Division,
No.48, DR.Muthulakshmi Salai, Adyar,
Chennai - 20.

..Respondent(s)

Prayer :To call for the records in final report in C.C.No.3289 of 2017 on the file of the metropolitan magistrate for exclusive trial of CCB Cases relating to cheating cases in chennai and CBCID Metro Cases, Egmore, Chennai and quash the same and pass such further or other orders as this honourable court may deem fit and proper in the circumstances of the case.

For Petitioner(s):

Mr.M.Devaraj

For Respondent(s):

Mr.M.Mohamed Riyaz,
Government Advocate (Crl.Side) For R1



ORDER

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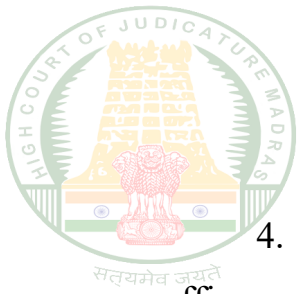
This Criminal Original Petition has been filed to call for the records in final report in C.C.No.3289 of 2017 on the file of the Metropolitan Magistrate for exclusive trial of CCB Cases relating to cheating cases in chennai and CBCID Metro Cases, Egmore, Chennai.

2. Heard the learned counsel for the petitioner and the Government Advocate (Crl.Side) and perused the materials available on record.

3. In this matter, this Court had considered the quash application filed by A6 *vide* order dated 08.07.2015 in Crl.O.P.No.15040 of 2015 and the facts of the case are in paragraph 3 and 4 of the said order and the same is reproduced below:

3. On a complaint lodged by one Dilip Dugar, the respondent police registered a case in Crime No.77 of 2000 for offences under [Section 420, 471](#) read with [465](#) and [109 IPC](#) against six accused and after completing the investigation, filed a Final Report in C.C.No.3857 of 2008 before the learned XI Metropolitan Magistrate, Saidapet, Chennai, challenging which, the 6th accused in before this Court.

4. It is the case of the defacto complainant that V.S.Natarajan [A1] has represented to him in July 1999 that he will get an allotment order for a plot in Besant Nagar from the Tamil Nadu Housing Board [TNHB] under the Government's discretionary quota and obtained around Rs.2,21,951/-. The defacto complainant had paid the sum of Rs.2,21,951/- by way of demand draft drawn in favour of TNHB. Natarajan [A1] collected the demand draft from the defacto complainant and remitted to the Housing Board, but obtained an allotment of plot in the name of his wife. When the defacto complainant questioned Natarajan, he seems to have produced an allotment order in favour of the defacto complainant, which when verified with the authorities was found to be a fake and forged document.



4. Considering the above facts, considering that A3 to A6 are the officers of the Housing Board, who are said to have conspired and helped the accused in preparing various documents and had cheated the de facto complainant. This Court considered specifically the case with reference to A6 and various findings were made in paragraph 6 and 7, which is also extracted hereunder:

6. In the Final Report, a general allegation has been made stating that this petitioner had abetted the principal offender namely, Natarajan. It is true that this petitioner was working as a Chainman in the TNHB at the relevant point of time. Apart from the police confession of a co-accused, there is no material on record to implicate this petitioner in the alleged offence. The police have filed a counter, wherein, in paragraph No.7, it is stated as follows:

"7. It is submitted that the investigation reveals that A4 to A6 are the employees of Tamil Nadu Housing Board, Chennai, who have colluded with other accused, namely, A1 to A3 and committed the offence of false allotment of plots in the Housing Board to third persons and cheated. Further, A6 in the capacity of Chairman in the Tamil Nadu Housing Board went along with the other during the time of survey of the plot in some other place, even though it is not coming under the Housing Board, created a scene in order to believe the same as Housing Board plot by the complainant and towards the same, he has received an amount of Rs.1,000/- from A1.

7. Thus the allegation against this petitioner is that he has received Rs.1,000/- from A1 for the survey of a plot in some other place, which does not belong to the Housing Board. The allegation of the defacto complainant is that A1 and other accused had made him believe that he has been allotted a plot under the discretionary quota and he was given a fake allotment order. The defacto complainant in his 161 statement has not stated a word about this petitioner. Only in the confession statement of one of the accused, the name of this petitioner surfaces. It is trite law that police confession has no evidentiary value, even against the maker. It is also stated that Natarajan [A1] had died.



5. The learned counsel for the petitioner submitted that A5 is the Surveyor and even against him there is no material except the confession of the Co-accused. This Court, on perusal of the final report, the following specific allegation against A5 was noted and the same is extracted below:

...that in the course of the same transaction, the 3rd accused to 5th accused by actively assisting the accused 1 and 2 by providing official receipt and seal and by making it appear to witness by their acts in surveying the land with Gunter's Chain, appear to have committed offences punishable u/s 420, 471 r/w 465 and r/w 109 of IPC."

6. When this Court further questioned the Government Advocate (Criminal Side) regarding the available materials supporting the averments, a document annexed to the final report dated 15.10.1999 alleged to be a communication created by A1 was produced. Furthermore, it is alleged that A5 provided the letterhead and stamp, thereby aiding A1 in forging the document

7. Normally, the production of this single document would suffice, as this Court does not evaluate the adequacy of evidence while deciding a quash petition. However, in the present case, the alleged offence occurred in the year 2000, the prime accused (A1) has since deceased, and the proceedings against A6 have already been quashed. Following a transfer, the matter was re-numbered as Calendar Case No. 3287/17 and has remained pending for over twenty-six years. While accused A2 (N.M. Kumar), A3 (Kannan), and the



present petitioner are regularly appearing before the trial court, a Non-Bailable Warrant (NBW) remains pending against A5 alone, and the matter stands posted to 21.09.2026.

8. Considering that the matter has been pending for over 26 years, this Court inquired into whether the prosecution possesses any evidence showing the petitioner's involvement in providing the Housing Board letterhead and sale deed. As there is no such documentary material annexed to the final report, the prosecution cannot maintain its case by relying solely on the statements of the co-accused.

9. The case has been pending for twenty-six years would itself amount to punishment, and continuing the proceedings would be entirely regressive. Consequently, this Court is inclined to quash the case against the petitioner, as any further continuation would violate the fundamental right to a speedy trial, and the proceedings are quashed strictly on this ground alone, notwithstanding the presence of certain materials against the petitioner. Needless to mention, this order shall not entitle the petitioner to claim before their employer that he has been honourably acquitted, nor shall it automatically validate any claims regarding other service benefits; the proceedings are quashed solely on account of the inordinate lapse of time.



D.BHARATHA CHAKRAVARTHY, J.

VCA

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In view thereof, the Criminal Original Petition stands allowed, and the final report in C.C. No. 3289 of 2017, currently on the file of the Metropolitan Magistrate for Exclusive Trial of CCB Cases (Relating to Cheating Cases in Chennai and CBCID Metro Cases), Egmore, Chennai, is hereby quashed. Consequently, the connected Miscellaneous Petition is closed.

30-06-2026

VCA

Neutral Citation : No

To,

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Egmore, Chennai District.
(X Crime No.77 of 2000)
2. The Executive Engineer and Administrative Officer,
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Chennai – 20.
3. The Metropolitan Magistrate for exclusive trial of CCB cases relating to
cheating cases in Chennai and CBCID Metro cases,
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