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CrI.R.C.No.2245 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2026

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CrI.R.C.No.2245 of 2025

And

CrI.M.P.No.20467 of 2025

The State of Tamil Nadu, Rep. By
The Inspector of Police,
Vigilance and Anti-Corruption,
Nagapattinam District.

... Petitioner

Vs.

1.S.Ambikapathy
2.K.Manoharan

... Respondents

Prayer:

Petition filed under Section 438 r/w 442 of the BNSS to set aside the impugned order dated 22.05.2025 passed by the learned Chief Judicial Magistrate / Special Judge, Nagapattinam in Cr.No.06 of 2020 on the file of Nagapattinam Vigilance and Anti-Corruption Detachment and consequently direct the learned Chief Judicial Magistrate / Special Judge, Nagapattinam to accept the closure report dated 06.11.2023.

For Petitioner : Mr.R.Ganesh Kumar
Counsel for Government of Tamil Nadu
(Criminal Side)
High Court of Madras



Crl.R.C.No.2245 of 2025

ORDER

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This criminal revision case has been filed as against the order dated 22.05.2025 passed by the learned Chief Judicial Magistrate / Special Judge, Nagapattinam, thereby refused to accept the closure report and ordered for further investigation in Crime No.06 of 2020 on the file of the petitioner herein.

2.The petitioner registered the FIR in Crime No.06 of 2020 alleging that on 08.12.2020, surprise check was carried out from 6p.m. to 11p.m. in the Nagapattinam District Retired Officers Association Building, where Nagapattinam District TASMAC Supervisors Meetings were conducted by Nagapattinam TASMAC District Manager. As a matter of routine, the said building is used by the TASMAC every month for the purpose of convening the monthly meeting among the official of all the TASMAC store located in Nagapattinam District. During the said surprise check, unaccounted amount of Rs.2,26,000/- was seized from the first respondent and an amount of Rs.79,400/- was seized from the second respondent.

3.After registration of the FIR in Crime No.06 of 2020 for the



Crl.R.C.No.2245 of 2025

offence under Sections 102 Cr.P.C. and 7 and 7(A) of Prevention of Corruption Act, 1988, the petitioner proceeded with the investigation.

During the course of investigation, the house of the first respondent was searched and nothing was seized. After examining 60 witnesses and collecting 14 documents, the petitioner came to the conclusion that there is no witness in favour of the prosecution and there is no documentary proof to prove all the charges. Therefore, the petitioner herein filed final report, thereby closed the FIR as mistake of fact. However, there are sufficient evidence to proceed with the disciplinary action as against the respondents herein as per the Manual of the Directorate of the Vigilance and Anti-Corruption, Tamil Nadu.

4.As per G.O.(2D) No.52, Revenue and Disaster Management Department, Services Wing, Service 2(1) Section, dated 13.03.2023, the Government ordered departmental disciplinary action against the first respondent and the Government vide letter No.129/cs.k(k)M(6)/2023-1, Prohibition and Excise Department, dated 06.01.2023 ordered departmental disciplinary action against the second respondent and 6 other TASMAL Supervisors.

5.However, inorder to prosecute the respondents there is no



Crl.R.C.No.2245 of 2025

evidence and as such the petitioner filed closure report before the learned Chief Judicial Magistrate/ Special Judge, Nagapattinam. However, it was not accepted and the petitioner was directed to conduct re-investigation and submit a fresh report.

6.Even according to the case of the prosecution, they themselves conducted surprise check and recovered some amount. However, there is no evidence as against the respondents to prosecute them for the offence under Sections 102 Cr.P.C. and 7 and 7(A) of Prevention of Corruption Act, 1988. Further, the respondents are facing disciplinary proceedings and the petitioner has nothing to do with the disciplinary proceedings initiated against the respondents.

7.In view of the above, the order dated 22.05.2025 passed by the learned Chief Judicial Magistrate / Special Judge, Nagapattinam cannot be sustained and the same is set aside. This criminal revision case is allowed. Consequently, the connected miscellaneous petition is closed.

06.08.2026

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Index: Yes/ No Speaking Order: Yes/ No NCC: Yes/ No

4/6



WEB COPY



CrI.R.C.No.2245 of 2025

To

- 1.The learned Chief Judicial Magistrate /
Special Judge, Nagapattinam.
- 2.The Public Prosecutor,
Madras High Court,
Chennai – 600 104.



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CrI.R.C.No.2245 of 2025

G.K.ILANTHIRAIYAN,J.
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