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CRL.O.P.No.20183 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.20183 of 2022

and

CrI.M.P.No.13262 of 2022

M/s.V – Link Systems Pvt. Ltd.,
A Block, Alsa Garden, 2nd Floor,
No.72/3, Harrington Road, Chetpet,
Chennai – 31.

Rep. by its authorized signatory
R.Venkat Ramakrishnan

... Petitioner/A-15

Versus

State represented by Inspector of Police,
Directorate of Vigilance and Anti-corruption,
Alandur, Chennai.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records in Crime No.2 of 2020 on the file of the Inspector of Police, Directorate of Vigilance and Anti-corruption, Alandur, Chennai.

For Petitioner : Mr.S.Suresh

For Respondent : Mr.S.Udaya Kumar
Government Advocate (CrI. Side)



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ORDER

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This petition has been filed to call for the records in Crime No.2 of 2020 on the file of the Inspector of Police, Directorate of Vigilance and Anti-corruption, Alandur, Chennai.

2. The petitioner/Accused No.15 in Crime No.02 of 2020 for offence under Sections 120B, 465, 468, 471 of I.P.C., 13(2) r/w 13(1)(c) & (d) of P.C. Act, 1988 and 7, 7(A), 15 r/w 13(1)(a) of P.C. Act, Amended in 2018, has filed this quash petition.

3. The gist of the complaint is that the petitioner along with 15 others including the officials of police department in the technical wing, colluded with each other and conspired in awarding tender for the petitioner without following the pre-qualification criteria. Further the petitioner had provided false and forged documents, thereby facilitated and got awarded with the tender and caused loss to the Government.

4. The primary contention of the petitioner is that the petitioner has been proceeded on three counts. First allegation is that during the period from 2015 to 2016, the petitioner entered into criminal conspiracy to commit and



abet each other in the offence of creating forged documents and used the forged documents as genuine in the purchase of HF data Modem. Further, in pursuance of the same, A1 and A2 permitted the petitioner company to qualify in the tender process for purchase of 105 HF Data Modem to the tune of Rs.1,74,24,000/- knowing fully well that the documents produced by the petitioner company were fake documents and the fake documents were prepared to fulfill the pre-qualification criteria (PQC), i.e. the bidder should have 3 years previous experience in similar field with minimum supply of 10 HF Data Modem. As regards this petitioner is concerned, the investigation proceeding on a wrong premises. The respondent police written to M/s.Prosys Celnet Pvt. Ltd. to verify the petitioner's credential. From the questionnaire and answers it is seen that M/s.Prosys Celnet Pvt. Ltd. had given a report in favour of the petitioner, wherein, they have clearly stated that purchase order for 12HF Data Modem Pactor-3 to V-Link Systems Pvt. Ltd. was issued by them and this was in the year 2012 and he had requisite qualification. As regards the second allegation, during the period from 2016 to 2017, A1 and A2 in collusion with the petitioner company had included additional precondition of voice quality, which was not the parameter at the time of issuance of tender, thereby the other tenderer, namely, M/s.Vertel Info Tech



Pvt. Ltd. was disqualified. The contention of the petitioner is that the petitioner's voice recorder was tested and technical report had confirmed that the petitioner had qualified based on the pre-qualification criteria. The third allegation is that during the period from 2018 to 2019, the petitioner company in collusion with A1 and A2 had submitted forged documents, i.e. the petitioner company had not produced the "incorporation certificate", which is a mandatory document. For these allegations, the petitioner submitted that in fact, the tender had not been completed and was called off. As such there was no loss of any revenue, cheating or misappropriation.

5. The learned Government Advocate (Crl. Side) has filed counter affidavit and submitted that the petitioner and others have conspired, colluded and created forged documents. In fact, the petitioner had made a claim with regard to the supply of HF Data Modem giving false experience certificate. It is a condition for pre-qualification as though supplied Data Modem to Chhattisgarh Police. On verification with the Chhattisgarh Police it was found that there was no supply. Hence, the primary document, which was submitted by them for getting contract itself is false. With regard to the second allegation, the additional parameter was subsequently made to



eliminate M/s.Vertel Infotel Pvt. Ltd. In this process, the accused 5 to 7 had aided the higher officials by signing the comparative statement prepared by the evaluation team without conducting proper verification on the functioning of “voice quality”, which was included as an additional parameter. As regards the third allegation, the tender itself was called off. The petitioner had produced the forged documents and the tender process was progressed, later it was found that the petitioner had not fulfilled the tender criteria, the same was called off. Now, due to the act of the petitioner, the entire process with regard to the supply of 129 numbers of mobile CCTV system to be initiated afresh and there is a delay. Due to which, the schedule drawn by the department could not be fulfilled. Further submitted that in this case investigation is in progress. The statement of 25 witnesses has been recorded, 525 documents have been collected and the investigation is at the crucial stage. Hence, he strongly opposed this petition.

6. Considering the submissions and on a perusal of material, it is seen that the investigation is in progress. Already 25 witnesses examined and 525 documents have been collected and the investigation is at the crucial stage. The points raised by the petitioner are factual. If the petitioner has got any



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grievance, he can submit before the investigating officer, who can consider the same. It is for the investigating officer to take a call on the documents submitted by the petitioner in this regard. This Court is not inclined to interfere with the investigation.

7. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

26.09.2022

Index: Yes/No
Internet: Yes/No
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To

1.The Inspector of Police,
Directorate of Vigilance and Anti-corruption,
Alandur, Chennai.

2.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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