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*Crl.O.P.No.3491 of 2023
etc. cases*

In the High Court of Judicature at Madras

Reserved on : 27.07.2023	Delivered on : 02.08.2023
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Coram :
The Honourable Mr.Justice N.ANAND VENKATESH

Criminal Original Petition Nos.3491, 3869, 3870, 3872
and 4324 of 2023 &
all connected pending Crl.M.Ps.

Crl.OP.No.3491 of 2023

Constronics Infra Ltd.,
(Formerly known as Invicta Meditek Ltd.)
Rep.by its Managing Director
Mr.R.Sundararaghavan
No.3/2, Third Floor, Narasimmapuram
Sai Baba Colony, Mylapore
Chennai-600 004.

..Petitioner/
9th Accused/17

.Vs.

1.State
Superintendent of Police
Special Investigation Cell
Vigilance & Anti-Corruption
Alandur, Chennai-600016.

..1st Respondent
Complainant

(Ref:/Cr.No.16/2021 dt.9.8.2021
U/s.120B r/w.420, 409 IPC & 13(2)
r/w.13(1)(c), 13(1)(d) PC Act
r/w.Sec.109 IPC)



*Crl.O.P.No.3491 of 2023
etc. cases*

2.Arappor Iyakkam
Rep.by its Managing Trustee
Jayaram Venkatesan
No.7, Satya Plaza, 2nd Floor
Dr.Thirumoorthy Nagar Main Road
Chennai 600 034.

.. 2nd Respondent

**(R2 impleaded as per order dt.30.6.2023
in Crl.MP.No.3566 of 2023 in Crl.OP.No.3491/2023)**

PETITION under Section 482 of the Criminal Procedure Code
praying to call for the records in Cr.No.16 of 2021 dated 09.08.2021
on the file of Superintendent of Police, Special Investigation Cell,
Vigilance & Anti-Corruption, Alandur, Chennai-600016, quash the
same as against the petitioner.

Crl.OP.No.3869 of 2023

M/s.Aalam Gold & Diamond (P) Ltd,
Rep.by its Director Mr.S.Saravana Kumar
Regus, Amarasi Building
Old No.313, New No.455
Block No.75, 7th Floor
Anna Salai, Teynampet
Chennai 600 018.

..Petitioner/
Accused No.15

.Vs.

1.State
Superintendent of Police
Special Investigation Cell
Directorate of Vigilance
and Anti-Corruption
No.293, MKN Road, Alandur
Alandur, Chennai-600016.

.. 1st Respondent
de facto Complainant



*Crl.O.P.No.3491 of 2023
etc. cases*

2.Arappor Iyakkam
Rep.by its Managing Trustee
Jayaram Venkatesan
No.7, Satya Plaza, 2nd Floor
Dr.Thirumoorthy Nagar Main Road
Chennai 600 034.

.. 2nd Respondent

**(R2 impleaded as per order dt.30.6.2023
in Crl.MP.No.3564 of 2023 in Crl.OP.No.3869/2023)**

PETITION under Section 482 of the Criminal Procedure Code praying to call for the records and to quash the FIR in DVAC Crime No. 16 of 2021 dated 09.08.2021 against the petitioner for offences punishable under Sections 120B r/w 420, 409 of the Indian Penal Code and Sections 13(2) r/w 13(1)(c) and 13(1)(d) of the Prevention of Corruption Act, 1988 r/w Section 109 of the Indian Penal Code, pending on the file of Superintendent of Police, DVAC, Chennai.

Crl.OP.No.3870 of 2023

M/s.Constromall Goods
Rep.by its Director Mr.Ganesh Krishnasamy
SF No.1272/1, Pachapalayam Village
Kambiliyampatty Post
Kangeyam Taluk, Tiruppur
Coimbatore-638 111

..Petitioner/
Accused No.10

.Vs.

1.State
Superintendent of Police
Special Investigation Cell
Directorate of Vigilance
and Anti-Corruption
No.293, MKN Road, Alandur
Alandur, Chennai-600016.

.. 1st Respondent
de facto Complainant

2.Arappor Iyakkam



*Crl.O.P.No.3491 of 2023
etc. cases*

Rep.by its Managing Trustee
Jayaram Venkatesan
No.7, Satya Plaza, 2nd Floor
Dr.Thirumoorthy Nagar Main Road
Chennai 600 034.

.. 2nd Respondent

**(R2 impleaded as per order dt.30.6.2023
in Crl.MP.No.3563 of 2023 in Crl.OP.No.3870/2023)**

PETITION under Section 482 of the Criminal Procedure Code praying to call for the records and to quash the FIR in DVAC Crime No. 16 of 2021 dated 09.08.2021 against the petitioner for offences punishable under Sections 120B r/w 420, 409 of the Indian Penal Code and Sections 13(2) r/w 13(1)(c) and 13(1)(d) of the Prevention of Corruption Act, 1988 r/w Section 109 of the Indian Penal Code, pending on the file of Superintendent of Police, DVAC, Chennai.

Crl.OP.No.3872 of 2023

M/s.Aalayam Foundations Pvt. Ltd,
Rep.by its Director
Mr.T.Sasi Kumar
Regus, Amarasi Building
Old No.313, New No.455
Block No.75, 7th Floor
Anna Salai, Teynampet
Chennai 600 018.

..Petitioner/
Accused No.12

.Vs.

1.State

4/15



*Crl.O.P.No.3491 of 2023
etc. cases*

Superintendent of Police
Special Investigation Cell
Directorate of Vigilance
and Anti-Corruption
No.293, MKN Road, Alandur
Alandur, Chennai-600016.

.. 1st Respondent
de facto Complainant

2.Arappor Iyakkam
Rep.by its Managing Trustee
Jayaram Venkatesan
No.7, Satya Plaza, 2nd Floor
Dr.Thirumoorthy Nagar Main Road
Chennai 600 034.

.. 2nd Respondent

**(R2 impleaded as per order dt.30.6.2023
in Crl.MP.No.3565 of 2023 in Crl.OP.No.3872/2023)**

PETITION under Section 482 of the Criminal Procedure Code praying to call for the records and to quash the FIR in DVAC Crime No. 16 of 2021 dated 09.08.2021 against the petitioner for offences punishable under Sections 120B r/w 420, 409 of the Indian Penal Code and Sections 13(2) r/w 13(1)(c) and 13(1)(d) of the Prevention of Corruption Act, 1988 r/w Section 109 of the Indian Penal Code, pending on the file of Superintendent of Police, DVAC, Chennai.

Crl.OP.No.4324 of 2023

1.M/s.Vaidurya Hotels (P) Ltd.,
Rep.by Director
Mr.H.Karthik

2.M/s.Ratnaa Lakshmi Hotels (P) Ltd.,



*Crl.O.P.No.3491 of 2023
etc. cases*

Rep.by its Director
Mr.H.Karthik
Office at o.73
Geetha Hall Road
Coimbatore 641 018.
..Petitioners/

Accused No.13 & 14

.Vs.

1.State
Superintendent of Police
Special Investigation Cell
Directorate of Vigilance
and Anti-Corruption
No.293, MKN Road, Alandur
Alandur, Chennai-600016.

.. 1st Respondent
de facto Complainant

2.Arappor Iyakkam
Rep.by its Managing Trustee
Jayaram Venkatesan
No.7, Satya Plaza, 2nd Floor
Dr.Thirumoorthy Nagar Main Road
Chennai 600 034.

.. 2nd Respondent

**(R2 impleaded as per order dt.30.6.2023
in Crl.MP.No.4598 of 2023 in Crl.OP.No.4324/2023)**

PETITION under Section 482 of the Criminal Procedure Code praying to call for the records and to quash the FIR in DVAC Crime No. 16 of 2021 dated 09.08.2021 against the petitioner for offences punishable under Sections 120B r/w 420, 409 of the Indian Penal Code and Sections 13(2) r/w 13(1)(c) and 13(1)(d) of the Prevention of Corruption Act, 1988 r/w Section 109 of the Indian Penal Code, pending on the file of Superintendent of Police, DVAC, Chennai.

For Petitioners



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*Crl.O.P.No.3491 of 2023
etc. cases*

- in Crl.O.P.No.3491 of 2023 : Mr.A.Ramesh, Senior Counsel
for Mr.B.A.Sujay Prasanna
- in Crl.OP.No.3870 of 2023 : Mr.Abudukumar Rajarathinam
Senior Counsel
for Mr.T.S.Lavanesh
- in Crl.OP.No.3869 of 2023 : Mr.John Sathiyam
Senior Counsel
for Mr.P.Divakar
- in Crl.OP.No.3872 of 2023 : Mr.K.Sukumaran
for Mr.T.S.Lavanesh
- in Crl.OP.No.4324 of 2023 : Mr.M.Palanivel

For Respondents:

- in Crl.OP.Nos.3491,3869,3870 : Mr.E.Raj Thilak
3872 and 4324 of 2023 Additional Public Prosecutor
for R1

Dr.V.Suresh for R2

COMMON ORDER

These criminal original petitions have been filed by the respective petitioners to quash the FIR in Crime No.16 of 2021, pending investigation before the Special Investigation Cell – II, Vigilance and Anti-Corruption, Alandur, Chennai.



*Crl.O.P.No.3491 of 2023
etc. cases*

WEB COPY

2. During the period between 2014 and 2018, Mr.S.P.Velumani, who was holding the position as Minister for Municipal Administration, is said to have abused his official position and had extended large scale favoritism in the matters of awarding tenders for the road works in Chennai Corporation and Coimbatore Municipal Corporation to his relatives and his close associates and their Companies/Firms. A written complaint dated 10.09.2018 was given by the organizing Secretary of Dravida Munnetra Kazhagam (DMK) to the Director of (DVAC) Directorate of Vigilance and Anti-Corruption. The allegation made in the complaint is that contracts were awarded by the Chennai and Coimbatore Corporations only to seven entities, who are well connected with Mr.S.P.Velumani.

3. One Jayaraman Venkatesan, convener of Arappor Iyakkam also gave a complaint dated 12.09.2018 to the DVAC alleging that huge contracts were awarded to 20 entities and persons by Chennai Corporation and Coimbatore Municipal Corporation in violation of Rules and on the influence of Mr.S.P.Velumani.

4. Upon receipt of the complaints, the DVAC addressed a



*Crl.O.P.No.3491 of 2023
etc. cases*

communication dated 12.09.2018, seeking for permission from the Government to conduct a preliminary enquiry u/s 17(A) of the Prevention of Corruption Act, 1988. The Government by order dated 18.01.2019, accorded permission to the DVAC to conduct the preliminary enquiry. The DVAC opened a file dated 21.01.2019, to conduct a preliminary enquiry on the above complaints.

5.A preliminary enquiry report was submitted by the DVAC to the State Government and the State Government accepted the enquiry report and accorded permission to the DVAC to register a regular FIR. Accordingly, an FIR came to be registered in Crime No.16 of 2021 against 17 named accused persons and unknown officials for offence u/s 120B r/w 420 and 409 of IPC and Section 13(2) r/w 13 (1)(c) and 13(1)(d) of the Prevention of Corruption Act, 1988 r/w Section 109 of IPC.

6.The first accused named in the FIR viz., Mr.S.P.Velumani, filed a petition before this Court in Crl.OP. No.21565 of 2022, to quash the FIR in Crime No.16 of 2021. This petition was heard by the Division Bench of this Court along with other connected petitions. The Division



*Crl.O.P.No.3491 of 2023
etc. cases*

Bench disposed of the petitions by a common order dated 30.11.2022 and the FIR was quashed insofar as Mr.S.P.Velumnai (A1) is concerned. The Division Bench also made it abundantly clear that it is open to the Investigating Officer to proceed with the investigation and if any fresh materials are gathered to implicate Mr.S.P.Velumani in the process of awarding contracts to other accused persons, he can be arrayed as an accused in the final report. This order passed by the Division Bench was also confirmed by the Apex Court by dismissing the SLP filed by the DVAC by order dated 27.03.2023.

7.The petitioners (A9, A15, A10, A12, A13 and A14) have filed these quash petitions mainly on the ground that the entire investigation is done with an ulterior motive due to the change in Government and the reputed Companies to whom no contract was awarded have been roped into this case without any basis. It is further contended that the petitioners (A9 & A15) were not even named in the FIR and whereas investigation is done against them. According to the petitioners, the entire investigation is attended with malafides and they are made to face a criminal prosecution with ulterior motives only on the ground that there was a change in the



Crl.O.P.No.3491 of 2023
etc. cases

WEB COPY

political party which formed the Government during the year 2021.

8.Heard Mr.A.Ramesh, learned Senior Counsel, Mr.Abudukumar Rajarathinam, learned Senior Counsel, Mr.R.John Sathiyam, learned Senior Counsel, Mr.K.Sukumaran and Mr.M.Palanivel, learned counsel for the petitioners and Mr.E.Raj Thilak, learned Additional Public Prosecutor for R1 and Dr.V.Suresh, learned Counsel for R2.

9.When the matter came up for hearing on 27.07.2023, this Court passed the following order:

Heard the learned counsel appearing on either side.

2.The learned Additional Public Prosecutor submitted that the investigation has been completed and a final report is ready to be filed. However, since some of the accused persons are public servants, sanction is awaited from the Government. The final report shall be put into a sealed cover and shall be presented before this Court.

Orders Reserved.

10.Pursuant to the above order, the draft final report was placed before this Court in a sealed cover on 28.07.2023. This Court carefully



*Crl.O.P.No.3491 of 2023
etc. cases*

WEB COPY

went through the final report and also the statement of witnesses and the materials gathered during the course of investigation.

11.The DVAC proceeded further with the investigation and the Investigating Officer has investigated the case broadly under two major allegations. For this purpose, 237 witnesses have been examined and their statements have been recorded u/s 161(3) of Cr.P.C / 164 (5) of Cr.P.C . He has also gathered nearly 936 documents.

12.This Court finds that the Investigating Officer while preparing the draft final report has also deleted some of the accused persons against whom no materials were available. The Investigating Officer has also identified some of the officers who were involved in this case against whom criminal prosecution is dropped and departmental action has been recommended. Thus, the investigation has been completed and the Investigating Officer is only awaiting for sanction order from the Competent Authority against some of the accused persons u/s 19(1)(b) of the Prevention of Corruption Act,



*Crl.O.P.No.3491 of 2023
etc. cases*

13.In view of the above development, this Court deems it fit not to interfere with the FIR registered in Crime No.16 of 2021 at this stage. This Court has to necessarily allow the DVAC to file the final report before the concerned jurisdictional Court. The petitioners will have to necessarily await for the final report and see for themselves as to whether they have been added as accused persons or their names have been dropped in the final report.

14.In the light of the above discussion, all these Criminal Original Petitions are disposed off with a direction to the DVAC to file the final report before the concerned jurisdictional Court after getting the necessary sanction order against some of the public servants, who have been added as an accused in the final report. This process shall be completed within a period of **six weeks** from the date of receipt of copy of the order. Consequently, all connected pending Crl.M.Ps. are closed.

02.08.2023

Internet: Yes

13/15



*Crl.O.P.No.3491 of 2023
etc. cases*

Index : Yes/No
Neutral Citation : Yes
Speaking Order : Yes
KP

N.ANAND VENKATESH,.J

KP

To

1. Superintendent of Police
Special Investigation Cell
Directorate of Vigilance
and Anti-Corruption
No.293, MKN Road, Alandur
Alandur, Chennai-600016.
2. The Public Prosecutor
High Court, Madras.

Crl.O.P.No.3491 of 2023
etc. cases



WEB COPY



*Crl.O.P.No.3491 of 2023
etc. cases*

02.08.2023