



CrI.O.P. Nos.14515, 14519, 14524 and 14529 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:07.07.2023

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.O.P. Nos.14515, 14519, 14524 and 14529 of 2023

CrI.O.P.No.14515 of 2023:

1.R.Baskar
S/o Rajagopal
[Formerly Assistant Executive Engineer,
Sarabanga River Basin, Sub-Division,
WRD, Namakkal],
1/113 Reddiyar Street, Thumbal Po,
Pethanaickenpayalam Tk,
Thumbal, Salem Dt. 636 114.

2.V.Elango
S/o Veerappan
[Formerly Junior Engineer,
Irrigation Section, Sarabanga River Basin,
Sub Division, Paramathi Velur, Namakkal],
5/44, West Street, Nallipalayam Po,
Namakkal 637 003.

.. Petitioners

/versus/

1.The Inspector of Police,
V & AC Namakkal.



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2.The Director,
Vigilance and Anti Corruption,
No.293, MKN Road,
Alandur, Chennai 600 016.

3.The Government of Tamil Nadu,
Rep.by its Secretary,
Public Works Department,
Fort St.Geroge, Chennai-09.

.. Respondents

Prayer: Criminal Original Petition has been filed under Section 482 of Cr.P.C., to call for the records of the 1st respondent relating to the impugned FIR viz., FIR No.05/AC/2022 registered on the file of the 1st respondent and quash the same.

For Petitioner :Mr.N.Subramaniyan

For Respondent :Mr.S.Udaya Kumar
Govt.Advocate (Crl.Side) for R1 and R2

Crl.O.P.No.14519 of 2023:

1.R.Gowdaman,
S/o Ranganathan,
[Formerly Executive Engineer, WRD,
Sarabanga River Basin, Salem],
40/6 Sanmuga Nagar,Salem 636 006.

2.K.Murali,
S/o Kandasamy
[Formerly Assistant Executive Engineer,
Sarabanga River Basin, Sub-Division,
WRD, Namakkal]



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17/9, 25th Street, Thillai Ganga Nagar,
Nanganallur, Chennai 600 061.

3.S.Vinoth Kumar,
S/o Subburaju,
[Formerly Assistant Engineer,
Irrigation Section, Sarabanga River Basin,
Sub Division, Paramathi-Velur, Namakkal]
2/98, Mariamman Kovil Street,
Bommasamudram PO,
Namakkal 637 409.

.. Petitioners

/versus/

1.The Inspector of Police,
V & AC Namakkal.

2.The Director,
Vigilance and Anti Corruption,
No.293, MKN Road,
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For Petitioner :Mr.N.Subramaniyan

For Respondent :Mr.S.Udaya Kumar
Govt.Advocate (CrI.Side) for R1 and R2

CrI.O.P.No14524 of 2023:-

1.V.Kamaraj

2.M.Kaja Mohideen

3.N.Shalini

.. Petitioners

/versus/

1.The Inspector of Police,
V & AC Namakkal.

2.The Director,
Vigilance and Anti Corruption,
No.293, MKN Road,
Alandur, Chennai 600 016.

3.The Government of Tamil Nadu,
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For Respondent :Mr.S.Udaya Kumar
Govt.Advocate (CrI.Side) for R1 and R2



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Crl.O.P.No.14529 of 2023:-

1.R.Ganesan

S/o Ramasamy

[formerly VAO Rasampalayam Village]

1/70, Periyagoundampalayam,

Thindamangalam PO,

Namakkal (TK & DT)-637 207.

2.K.Saravanan,

S/o Kandhasamy,

[Formerly VAO, Konur Village],

1/75 Kondarasampalayam P.O.,

Paramathy Vellur T.K.

Namakkal Dt.637 203.

3.Tmt.P.Maheswari,

W/o Ponnusamy

[formerly VAO Keerambur, Village]

7145, Kandhampalayam,

Koonur P.O.,

Namakkal 637 207.

4.Tmt.K.Kavitha

W/o Saravanan,

[formerly VAO, Keelsathabur &

Thindamangalam i/c Villages]

6/37 Kuppampalayam,

N.Pudhupatti P.O.,

Namakkal (TK & DT) 637 020.

5.P.Kalaimani,

S/o Ponnusamy

[Formerly VAO,

Periyagoundampalayam Village]

4/24 Kilakuveedhi, Perumapatti,



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Bommasamudram P.O.,
Sendhamangalam T.K.,
Namakkal Dt.627 002.

.. Petitioners

/versus/

1.The Inspector of Police,
V & AC Namakkal.

2.The Director,
Vigilance and Anti Corruption,
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COMMON ORDER

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These Criminal Original Petitions are filed to quash the First Information Report, which has been registered by the Inspector of Police, Vigilance and Anti-Corruption, Namakkal. The impugned First Information Report came to be registered on 09.12.2022 after preliminary enquiry conducted by the Vigilance and Anti Corruption police and on being satisfied that there is cognizable offence made out in the allegations found in the complaint.

2. The learned counsel appearing for the petitioners made his submission explaining the reason why the First Information Report is to be quashed.

3. This batch of Criminal Original Petitions is filed to quash the First Information Report by the petitioners, who are the officials of PWD, Village Administrative Officer and Villagers. According to the First Information Report, the named accused conspired and mislead the government and got the G.O.Ms.No.331, Public Works (N1) Department, dated 12.10.2007, amended furnish false documents, thereby had obtained advantage of lifting the water from the river cauvery for private use, in connivance with the public servants, who are



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the officers working in the Water Resources Department, Salem. The learned counsel appearing for the petitioners submitted that the certificate given by the Village Administrative Officers regarding the survey numbers and the land for which the Lift Irrigation Facility sought are in existence and the adangal for the said survey numbers of the village are not fictitious as alleged in the First Information Report. While the factories and the lands are very well in existence, the respondent has maliciously registered the First Information Report against them. Hence, it has to be quashed.

4. This Court, after perusing the documents is satisfied that the First Information Report is registered, based on the *prima facie* material available and collected during the preliminary enquiry conducted for nearly 5 years. The reasons stated for quashing of First Information Report in this case is unfound, in view of the *prima facie* material.

5. The law is well settled by the Hon'ble Supreme Court that only if no cognizable material available, First Information Report can be quashed. In this case, the respondent police has gone through the complaint of improper drawer of



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cauvery water by fabricating documents and had come to the conclusion that it is a fit case for investigation, hence registered the First Information Report on 09.12.2022. Unless the investigation is completed, merely based on the documents produced by the petitioners that the innocence cannot be presumed. However, the learned counsel appearing for the petitioners wants to read through the documents which he relies upon to quash the First Information Report. This practice showing the document to High Court instead of participating in the investigation and produced the same before the Investigating Officer is highly deplorable. Catena of judgments passed by the Hon'ble Supreme Court from *Bhajan Lal case*, the First Information Report cannot be quashed for asking, unless it is registered with malafide or bereft of details. This is a case registered after preliminary enquiry. The offence is based on documents. It is unfortunate that alleged perpetrator of crime wants to delay the investigation by filing petition under Section 482 of Cr.P.C to quash the First Information Report so that they will have enough time to manipulate the records. It is the case, where after five years of belated enquiry, First Information Report has been registered with the following allegations:-

“In the banks of river Cauvery, various types of irrigation systems are being carried out. To facilitate irrigation to the lands in the higher altitude areas and interior areas where canal irrigation is not possible. Lift Irrigation System is



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being carried out by the farmers. In the Light Irrigation System, water from the wells located in the banks of river Cauvery is lifted by the Farmers Association through pipe line to their areas and distributed to the lands.

The AO-8, Tr.K.Shanmugam started lift irrigation scheme in the name of Shri Konur Kalliamman Small Farmers Lift Irrigation System, Pothanur to irrigate the villages of Paramathi, Pillakalathur, Villipalayam, Manickanatham and Veeranampalayam. Sri Konur Kaluyamman Small Farmers lift irrigation Association is registered on 06.08.2001 and its registration number is 61/2001. 60 farmers of Pothanur, Karaiyanputhur, Sundakampalayam, Rasampalayam, Konur, Keelsathambur and Kandampalayam villages are the members of the association. AO-8 Tr.K.Shanmugam, President of the said Sri Konur Kalliyamman Small Farmers lift Irrigation Association applied Govt.Order for lift irrigation in the year 2006 and Govt. ordered in G.O.Ms.No.331, Public Works (N1) Department, dated 12.10.2007. Totally 250 acres of lands are covered in that G.O. For irrigation of 112 farmer of Paramathy, Pillakalathur, Manikanatham and Veeranampalayam villages. But, he did not execute the work in the above said villages whereas he without any authorization voluntarily diverted the work and started laying pipelines to supply river water to the villages of Konur, Keelsathampur, Vallipuram, Rasampalayam, Keerampur, Nallagoundampalayam, Periyagoundampalayam and Thindamangalam villagers. Though those villages were not listed in the G.O.No.331, AO-8 changed the irrigation villages so that he can get several lakhs of rupees from the farmers of this area.”

5. If at all there is any evidence or material to prove their innocence, the persons, who are arrayed as accused can place it before the Investigating Officer during the course of investigation and establish their innocence. It is unfair the



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learned counsel appearing for the petitioners to expect the High Court summarily decide the case, where the competent investigating agency has gone in detail and made preliminary enquiry before arriving at an conclusion that there is a *prima facie* case of cognizable offence made out.

6. For the said reason, this Court finds that these petitions are frivolous and filed with ulterior motive to delay the investigation, which has already taken five years of time to complete the preliminary investigation. Hence, these Criminal Original Petitions are dismissed. The Investigating Agency is directed to complete the investigation and file a final report within a period of four months from today.

07.07.2023

Index:yes/no
speaking order/non speaking order
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To:

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- 2.The Director,Vigilance and Anti Corruption,
No.293, MKN Road, Alandur, Chennai 600 016.
- 3.The Government of Tamil Nadu,Rep.by its Secretary,
Public Works Department,Fort St.Geroge, Chennai-09.
- 4.The Public Prosecutor, High Court, Madras.



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DR.G.JAYACHANDRAN,J.

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15.06.2023