



Crl.O.P.Nos.10877 & 10892 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2024

CORAM

THE HON'BLE MR.JUSTICE VIVEK KUMAR SINGH

**Crl.O.P.Nos.10877 & 10892 of 2024
and
Crl.M.P.Nos.7436 & 7349 of 2024**

Sunil Khetpalia

... Petitioner in Crl.O.P.No.10877 of 2024

Maneesh Parmar

... Petitioner in Crl.O.P.No.10892 of 2024

Vs.

The Inspector of Police,
Directorate of Vigilance and Anti Corruption,
Special Investigation Cell,
Vigilance and Anti – Corruption, Chennai.
93, MKN Road, Ramapuram, Collectors Nagar,
Alandur, Chennai, 600 016.

... Respondent in both Crl.O.Ps.

COMMON PRAYER : Criminal Original Petitions filed under Section 482 of Criminal Procedure Code, calling for the records pertaining to First Information Report No.1 of 2024 on the file of the respondent and to quash the same.



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For Petitioner : Mr.S.R.Rajagopalan, Senior Counsel
in both Crl.O.Ps.
Assisted by
Mr.P.Shiva in Crl.O.P.No.10877 of 2024 &
Ms.N.Madhusruthi in Crl.O.P.10892 of 2024

For Respondent : Mr.S.Santhosh, GA (Crl.Side)
in both Crl.O.Ps.

COMMON ORDER

These Criminal Original Petitions have been filed by the petitioners seeking to quash the First Information Report (FIR No.1 of 2024), which has been registered by the Inspector of Police, Directorate of Vigilance and Anti Corruption, Special Investigation Cell, Vigilance and Anti – Corruption, Chennai.

2. The impugned First Information Report came to be registered against the accused persons on 31.01.2024 for the offences under Sections 7, 12 r/w. 7, 13(2) r/w 13(1)(d) and 109 IPC r/w. Sections 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988.



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3. The case of the prosecution is that there are three accused involved in this case and they all entered into criminal conspiracy to bribe the unknown officials of various departments and people representatives to get their help during execution of the project of proposed construction of multi storied apartments at Biny Mill Campus, Perambur Barracks Road, Perambur, Chennai. In pursuance of the said conspiracy, an amount of Rs.50,00,86,125/- was paid by way of bribe to the unknown officials of various departments and people representatives, thereby, the respondent police registered the case against the accused.

4. Heard Mr.S.R.Rajagopal, learned Senior counsel for the petitioners as well as Mr.S.Santhosh, learned Government Advocate (Criminal Side) appearing on behalf of the respondent.

5. The learned Senior counsel appearing for the petitioners submitted that as per Section 245 I of the Income Tax Act, 1961, the order of the settlement commission is conclusive and highlighted the order passed by the Interim Board for Settlement dated 28.12.2023. He pointed out the fact that the Interim Board for Settlement has absolved the Company as



regards the incidental expenses (alleged bribe amount) incurred with to the tune of Rs.50,00,86,125/- which is the supporting point of the alleged offence in the FIR. Furthermore, Section 245 I clearly mandates that the same shall be conclusive as to the matters stated therein and no matter covered by such order shall be reopened in any proceeding, which was reiterated by the Hon'ble Supreme Court in the cases of **Jyotendrahinhji V. S.I. Tripathi & others [1993 Supp (3) SCC 389]** and **Ajmera Housing Corporation and Others Vs. CIT**. Continuing his argument, he submitted that since the name of the public servants were not disclosed in the FIR as mandated under the PC Act, Section 13 of PC Act does not attracts. Moreover, the learned Senior counsel contended that the investigation cannot be commenced against the petitioners on the basis of the statement of one T.Udayakumar, as per the dictum laid down by the Hon'ble Supreme Court in the case of **CBI Vs. V.C. Shukla and Others[1998 (3) SCC 410]**. Hence, registration of FIR in the absence of any corroboration or cross verification of the statements and records provided by the third party, is in violation to principles of law. He further submitted that as FIR do not disclose a cognizable offence and no evidence produced in support of the complaint, there is no sufficient ground to proceed against the petitioners.



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6. After advancement of the arguments of the learned Senior counsel for the petitioners, the learned Government Advocate submitted that on investigation, it was revealed that there was no proof for cash payments received by the first accused from the second and third accused (petitioners herein) which in turn paid to any public servants, people representatives and unknown officials of various departments to the tune of Rs.50,00,86,125/- for executing the project at Binny Mill Campus. He further submitted that as there was no material evidence to substantiate the alleged offences of the FIR, recommendations were made for dropping further action against the accused/A1 to A3 in the final report. He continued that final report was forwarded to the Vigilance Commissioner and U.O. Note vide No.523/VC-III/2021-15 dated 19.02.2024 was received from the Secretary to take necessary action. The referred charge sheet filed on approval was now pending before the Hon'ble Special Court for the Cases under P.C. Act in Serial No.183 of 2024. He has also produced the status report of the respondent dated 04.06.2024 before this Court today.

7. Considering the submissions made by the learned Senior Counsel for the petitioners and perusing the status report and also taking into



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account dropping further action of the respondent against the accused/petitioners herein in their final report, FIR No.1 of 2024 pending on the file of the respondent, stands quashed. Consequently, the Criminal Original Petitions filed by the petitioners are allowed. Connected Miscellaneous Petition is closed.

04.06.2024

Index : Yes / No
Order : Speaking / Non-speaking
NCC : Yes / No

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To



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- 1.The Inspector of Police,
Directorate of Vigilance and Anti Corruption,
Special Investigation Cell,
Vigilance and Anti – Corruption, Chennai.
93, MKN Road, Ramapuram,
Collectors Nagar,
Alandur, Chennai, 600 016.
- 2.The Public Prosecutor,
High Court of Madras.



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VIVEK KUMAR SINGH, J.

DP

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