



Crl.O.P.No.14035 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2024

CORAM

THE HONOURABLE Mrs. JUSTICE J.NISHA BANU

AND

THE HONOURABLE Mr.JUSTICE P.DHANABAL

Crl.O.P.No.14035 of 2023

and

WP.No.19689 of 2023 and

WMP.Nos.18971 and 18973 of 2023

Dr.K.S.Sarwani

.... Petitioner in both petitions

vs

1.The State of Tamil Nadu,
rep.by Deputy Superintendent of Police,
Vigilance and Anti Corruption,
Chennai City-V, Chennai 600016.

2.X.Gerard

.... Respondents in Criminal Original Petition

The Directorate of Enforcement,
Rep.by its Assistant Director,
Chennai I, Zonal Office,
No.2, 5th and 6th Floor, BSNL building,
Kush Kumar Road, Nungambakkam,
Chennai 600 034.

...Respondent in the writ petition

Prayer in Crl.O.P: Criminal Original Petition filed under Section 482 of the Cr.P.C. to call for the records pertaining to Cr.No.01/AC/2018 dated 22.03.2018 on the file of the 1st respondent Police and quash the same insofar as the petitioner is concerned.



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Prayer in Writ Petition: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of certiorari to call for the records of the respondent pertaining to impugned summon bearing No.PMLA/SUMMON/CEZO/2023/1123 dated 17.05.2023 in ECIR/CEZO-I/15/2018 issued by the respondent to the petitioner and quash the same.

For Petitioner in both petitions : Mr.P.Wilson, Senior Counsel
for Richardson Wilson

For 1st Respondent in Crl.O.P
and for respondent in writ petition : Mr.Rajinish Pathiyil,
SPP for ED

COMMON ORDER

(Order of the Court was made by J.NISHA BANU,J.)

The petitioner has filed the Criminal Original petition seeking quashment of an FIR in Cr.No.01/AC/2018 dated 22.03.2018 on the file of the Deputy Superintendent of Police, Vigilance and Anti Corruption, Chennai City-V, Chennai 600016 and filed the Writ Petition for quashing the summons issued to the petitioner.

2. The learned Special Public Prosecutor appearing for the respondent/ state submits that during investigation in Cr.No.01/AC/2018, investigation against the petitioner / A2 herein has been dropped and therefore, nothing



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survives for adjudication in the Criminal Original Petition. He also produced communication of the Secretary to Government (legal affairs), Law (LS) Department, Secretariat, Chennai 600 009, dated 08.08.2023, wherein it reads as follows:

"4. In Letter (MS).No.1092/87, P&AR (N) Department dated 10.12.1987 instructions have been issued to the effect that whether in a preliminary enquiry or detailed enquiry conducted by the Directorate of Vigilance and Anti Corruption, it is proposed to drop further action, even before framing charges against the official concerned, it is necessary to issue an order dropping of further action and to communicate the same to the Directorate of Vigilance and Anti-corruption and also to the individual concerned. Subsequently, the said instructions have been modified vide letter No.58437/N/2009-1, P&AR, dated 14.06.2010 to the effect that, if orders are passed for dropping further action even before framing of charges or calling for explanation against the official concerned, such orders of dropping action may be communicated only to the Directorate of vigilance and Anti Corruption and need not be communicated to the individual concerned and however in cases where detailed enquiry is made any order dropping further action should be communicated to the Directorate of Vigilance and Anti-corruption and also to the individual.



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5. In view of the above and inasmuch as the syndicate of the University which is the competent authority for sanction of prosecution to O-2 to AO-7 has resolved to declined the request for sanction of prosecution against them and the same has been informed to the Vigilance Commissioner and Commissioner for Administrative Reforms (FAC) by the Government, it is for the Directorate of Vigilance and Anti Corruption to process the case further by taking into account the said resolution of the syndicate."

3. In the light of the above submission and the communication, **the criminal original petition is closed.**

4. Further since the action has been dropped against the petitioner / A2, the impugned summons issued against the petitioner / A2 have no effect and therefore, the same is set aside and **the writ petition is disposed of** accordingly. No costs. Consequently connected miscellaneous petitions are closed.

(J.N.B., J.) (P.D.B., J.)
11.07.2024

sk

Index : Yes / No



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Internet : Yes / No
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To

1.The Deputy Superintendent of Police,
Vigilance and Anti Corruption,
Chennai City-V, Chennai 600016.

2.The Assistant Director,
The Directorate of Enforcement,
Chennai I, Zonal Office,
No.2, 5th and 6th Floor, BSNL building,
Kush Kumar Road, Nungambakkam,
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