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CRL.O.P.No.17401 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.09.2024

CORAM : MR. JUSTICE N.SESHASAYEE

CRL.O.P.No.17401 of 2024

S.Vetrivel

... Petitioner

Vs.

The State Rep. by  
The Deputy Superintendent of Police  
Vigilance and Anti Corruption Detachment  
Tiruvannamalai District

... Respondent

PRAYER: Criminal Original Petition filed under Section 528 of BNSS, to call for the records in respect of the case registered in Crime No.8 of 2024, on the file of the respondent police in Crime No.8 of 2024, U/s.120B, 167, 420, 468, 471 and 477A I.P.c. and U/s.13(2) r/w 13(1)(c) of the Prevention of Corruption Act, 1988 and U/s.13(2) r/w 13(1)(a) of the Prevention of Corruption (Amendment) Act, 2018 and quash the same in so far as the petitioner is concerned.

For Petitioner : Mr.G.Bala

For Respondent : Dr.C.E.Pratap  
Government Advocate (Crl. Side)



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## ORDER

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The petitioner herein has been arrayed as A11 in Crime No.8 of 2024, now under investigation by the respondent police for the offences U/s. 120B, 167, 420, 468, 471 and 477A I.P.c. and U/s.13(2) r/w 13(1)(c) of the Prevention of Corruption Act, 1988 and U/s.13(2) r/w 13(1)(a) of the Prevention of Corruption (Amendment) Act, 2018.

2.The quintessence of the prosecution case as disclosed in the F.I.R. relates to certain fraud committed by some officials in implementing Pradhan Mantri Awas Yojana (PMAY), Prime Minister's Housing for All Scheme at Tiruvannamalai District, in the year 2017 - 2018 in Vandavasi Block.

3.The admitted procedure for implementing the scheme is that, those who want to avail the benefit under the PMAY may have to prefer their application to the Panchayat clerk, who in turn would place those applications collected by him to the Zonal B.D.O., and in certain cases to the Zonal Deputy B.D.O. Their responsibility is to vet these applications and ascertain the eligibility of the applicants to avail the benefit under the said scheme. Once this is through, the applications would be forwarded to the



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concerned Block Development Officer, who is entrusted with the responsibility of approving or sanctioning the benefit to the applicants.

3.2 The petitioner herein was the Zonal Deputy B.D.O. during 2017 - 2018. He received 90 applications from the Panchayat Office for vetting. After scrutiny, he has approved 89 applications, but rejected one. The rejected candidate was a certain Amsa, wife of Arunmozhi. He did not endorse his approval in the application of the said Amsa. The entire applications were then routed to the B.D.O, who is arrayed as A1 in the F.I.R. The accusation against A1 was that he had sanctioned the application of Amsa, wife of Arunmozhi, despite the fact it was not recommended for sanctioning by A11, the petitioner herein. This has now led to the registration of the F.I.R.

4.The learned counsel for the petitioner would submit that nowhere the petitioner has lent his assent to the wrong beneficiary to whom A1 has extended the benefit. He added that even in a departmental enquiry initiated against A1 as well as this petitioner, he has been absolved of all accusations made against him.



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5. Dr. C. E. Pratap, the learned Government Advocate (Crl. Side) made a fair statement on instruction that as of now, there is nothing to implicate A11 to the crime. He, therefore, submitted that the investigating team is not interested in A11 for the present.

6. Weighing rival submissions, this Court merely directs striking off the name of A11 in the F.I.R., but grants the investigating agency a free hand to investigate the crime. If, however, in the course of investigation, the prosecution comes to know the involvement of A11 in any manner, then the present order will be no bar to implicate him at that point of time. But for the present, the present petitioner (A11) can have a relief.

7. Subject to the above, this Criminal Original Petition stands allowed.

20.09.2024

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Index : Yes / No  
Neutral Citation



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To  
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The Deputy Superintendent of Police  
Vigilance and Anti Corruption Detachment  
Tiruvannamalai District



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N.SESHASAYEE, J.

kas

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