

Crl.O.P.Nos.754, 1067 & 5515 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Reserved on: 04.03.2025	Pronounced on: 04.04.2025
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CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos.754, 1067 & 5515 of 2024

and

Crl.M.P.Nos.499, 736 & 4031 of 2024

Crl.O.P.No.754 of 2024:

R.Jagannathan,
Vice Chancellor,
Periyar University,
Omalur Taluk,
Salem District.

.. Petitioner

Vs.

1.State by
The Deputy Superintendent of Police,
Karuppur Police Station,
Salem City,
Salem District.
(Crime No.1003 of 2023)

2.State by
The Inspector of Police,
Karuppur Police Station,
Salem City, Salem District.
(Crime No.1003 of 2023)

3.I.Elangovan

.. Respondents



Crl.O.P.Nos.754, 1067 & 5515 of 2024

Prayer: Criminal Original Petition filed under Section 482 of Cr.PC., praying to call for the records of the case pending investigation in Crime No.1003 of 2020 by the Deputy Superintendent of Police, Karuppur Police Station, Salem City, Salem District and quash the same.

For Petitioner	:	Mr.Godson Swaminathan for M/s.Isaac Chambers
For RR 1 & 2	:	Mr.E.Raj Thilak Additional Public Prosecutor
For R3	:	Mr.V.Ajay Khose

Crl.O.P.No.1067 of 2024:

- 1.Dr.K.Thangavel,
The Registrar (in-charge),
Periyar University,
Salem – 636 011.
- 2.Dr.S.Sathish,
Associate Professor,
Dept. of Computer Science,
Periyar University,
Salem – 636 011.

.. Petitioners

Vs.

- 1.The State of Tamil Nadu,
Represented by the Assistant Commissioner of Police,
Sooramangalam Range, Salem.
- 2.The Inspector of Police,
Karuppur Police Station,
Salem City,
Salem District – 636 012.



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3.Elangovan

.. Respondents

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Prayer: Criminal Original Petition filed under Section 482 of Cr.PC., praying to call for the records in connection with FIR in Crime No.1003/2023 dated 26.12.2023, on the file of the 1st respondent and quash the same in so far as the petitioners herein are concerned.

For Petitioners	:	Mr.Godson Swaminathan for Mr.B.Ram Prasath
For RR 1 & 2	:	Mr.E.Raj Thilak Additional Public Prosecutor
For R3	:	Mr.C.Vijayakumar

Crl.O.P.No.5515 of 2024:

Ram Ganesh

.. Petitioner

Vs.

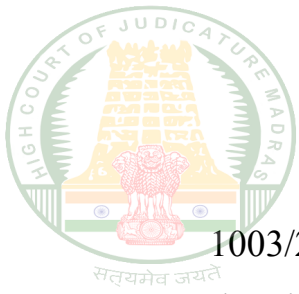
1.The Assistant Commissioner of Police,
Suramangalam,
Salem District.

2.State by Inspector of Police,
Karuppur Police Station,
Salem District.
(Crime No.1003 of 2023)

3.Elangovan

.. Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.PC., praying to call for the records relating to the FIR filed in Crime No:



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1003/2023 dated 26.12.2023 on the file of the 2nd respondent and quash the First Information Report registered as against the petitioner herein.

For Petitioner : Mr.N.Manoharan
For RR 1 & 2 : Mr.E.Raj Thilak
Additional Public Prosecutor
For R3 : Mr.S.Jim Raj Milton

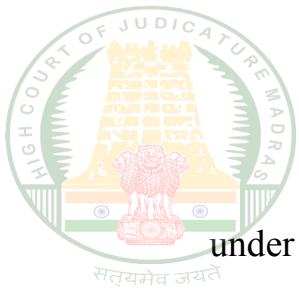
COMMON ORDER

These petitions have been filed to quash the FIR registered in Crime No.1003 of 2023 on the file of the 1st respondent.

2.All the petitioners are arrayed as accused in Crime No.1003 of 2023 and challenging the very same FIR in all the petitions. Therefore, this Court passes the common order.

3.Heard the learned counsel for the petitioners, learned Additional Public Prosecutor for the respondents 1 & 2 and the learned counsel for the 3rd respondent.

4.On the complaint lodged by the 3rd respondent, the 1st respondent registered an FIR in Crime No.1003 of 2023 for the offences punishable



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under Sections 294(b), 120B, 420, 468, 409, 511, 506(1) of IPC and

3(1)(r) & 3(1)(s) of the SC/ST (Prevention of Atrocities) Act, 1989. The

3rd respondent after his retirement as a teacher, was elected as the President of the Thiruvalluvar University Employees Union, the Periyar University Employees Union and the Bharathiar University Employees Union. Further, he has been nominated as the legal advisor of three trade unions. While being so, he had taken up all the issues of the non-teaching staffs of these universities and raised industrial disputes and also filed writ petitions.

5.Further, the 3rd respondent has also been consistently espousing the SC/ST, differently abled and marginal people of the society including women and has filed Public Interest Litigation (PIL) before this Court. While being so, the accused in Crime No.1003 of 2023 had jointly on their own without the knowledge of the syndicate of the Periyar University, registered a Private Limited Company by the name Periyar University Technology Entrepreneurship and Research Foundation (hereinafter referred as 'PUTER Foundation') on 14.09.2023 for their personal gains by misusing the name, seal and stamp of the Periyar University. Thereby, they swindled huge amount and caused loss to the



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exchequer. The second accused in his capacity as the Registrar in charge of the Periyar University, appointed himself as the Coordinator of the Incubation Technology Transfer Centre, (hereinafter referred to as 'ITTC') by order dated 15.07.2014. As per his communication dated 08.12.2021, an expert committee was constituted to suggest the ways and means for registering the said syndicate as a Section 8 Company under the Companies Act, 2013, as well as for changing the name of ITTC into Periyar University Technology Entrepreneurship Research Park (hereinafter referred to as 'PUTER Park') and also allotted space for ITTC in the Periyar University campus.

6.Further, in the letter dated 01.03.2022, the 2nd accused stated that the 1st accused gave permission for creation of an official website of the Periyar University for the PUTER Park. The 1st accused also granted permission to enter into a Memorandum of Understanding with a private institution besides Government institutions as per the letter of communication dated 10.03.2023 of the 2nd accused. Thereafter, the 1st accused permitted the change of nomenclature of the Coordinator of the PUTER Park into the Chief Executive Officer (CEO) of the PUTER Park as per the communication dated 15.03.2023 of the 2nd accused. The said



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letter was sent by the 2nd accused in the capacity of Registrar-in-Charge and addressed himself as the Professor and Head of the Department (HOD) in Computer Science Department, Periyar University. Thereafter, the 1st accused allotted 2024 sq.ft of built up area for the PUTER Park as per the communication dated 24.04.2023 of the 2nd accused. They conducted the first meeting of the Governing Committee, PUTER Park on 07.06.2023 and it was not known to the authority as to who constituted the governing committee of the PUTER Park. By the same communication it was decided to register the PUTER Park as a Company under Section 8 of the Companies Act, 2013.

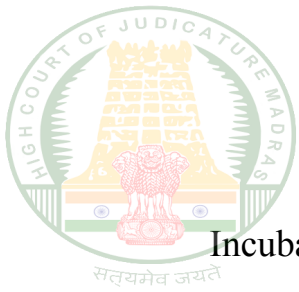
7.It was further alleged that the 1st accused granted permission to arrange the IT amenities required for the PUTER Park in the premises of the Periyar University as per the communication dated 31.07.2023. As per the minutes of the governing committee dated 06.10.2023, the name of PUTER Park was changed into Periyar University Technology Entrepreneurship and Research Foundation (hereinafter referred to as 'PUTER Foundation') and four persons and the alleged accused persons were appointed as the Directors of PUTER Foundation.



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8.Further, as per the communication dated 06.10.2023, the designated posts were created for appointment in PUTER Foundation and also collection of fees for consultation and participation norms were fixed and 15 projects were approved. That apart, eight private companies have signed the Memorandum of Understanding (MOU) for Public Private Partnership. The syndicate of the Periyar University by its resolution No.102(A6) dated 11.01.2019 decided to register as a Section 8 Company under the Companies Act, 2013, in the name and style of PUB Incubation Confederation (Periyar University Business Incubation Confederation) to give effect to the G.O.(Ms).No.6, Higher Education (K2), Department dated 19.01.2013. Therefore, it is the only company registered under Section 8 of the Companies Act and also resolved to permit three of its teachers to be the Board of Directors namely Dr.T.Poongodi Vijayakumar, Dr.J.Prakash Maran and Dr.M.Deepa of Food Science and Nutrition Department. Further, there is no approval of the PUTER Foundation from the syndicate of the Periyar University. The Vice Chancellor of the Periyar University has no power to create or establish a private company under Section 8 of the Companies Act as per Section 13(4)(a) read with Section 25 of the Periyar University Act, 1997. Further, all the profits made by the Periyar University Business



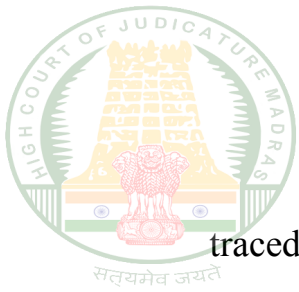
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Incubation Confederation is credited to the Periyar University Account.

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But the profit made by the PUTER Foundation goes only to the accused persons. Therefore, in order to question these irregularities, when the 3rd respondent visited the Vice Chancellor on 26.12.2023 at about 01.30 PM along with his friend to the Periyar University, the Vice Chancellor scolded him with a filthy language and also abused him by using his caste name and threatened him with dire consequences.

9.The learned counsel for the petitioner would submit that there are absolutely no ingredients to make out the case under the SC/ST Act. He also produced the CCTV footage to show that when the 1st accused came out of the office to his car, the 3rd respondent met him and boarded into the car. The incident happened in the car parking and it is not a public place. Therefore, no offence is made out under SC/ST Act. The petitioner was appointed as Vice Chancellor of Periyar University, Salem, on 01.07.2021. After taking charge as a Vice Chancellor, he found several irregularities, financial mismanagement and other issues that prevailed in the University. Therefore, he had taken all steps to prevent the irregularities and financial mismanagement by taking department proceedings against the teaching and non-teaching officials. He also had



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traced misappropriation to the tune of Rs.23,00,000/- by verifying the documents and records in the Distant Education University. While being so, in the year 2003, the Government of Tamil Nadu Higher Education Department had issued a Government Order in G.O.(Ms).No.6, Higher Education (K2) Department, dated 19.01.2013 for setting up of Incubation and Technology Transfer Centres in nine universities including the Periyar University.

10.In pursuant to the said Government Order, the 2nd accused was appointed as the Coordinator and decided to change the name as Periyar University Technology Entrepreneurship and Research Park (i.e.,) PUTER Park on 01.03.2022. Further another start up business Incubator was hosted in Periyar University which was registered under Section 8 of the Companies Act, 2013, in the name and style of Periyar University Business Incubation Confederation which is duly registered under Section 8 of the Companies Act and it is a non-private company. In fact, the National Assessment and Accreditation Council (NAAC) also inspected and verified the Incubation Centre and stated the administration and development. The Vice Chancellor, the Registrar and two other eminent professors from the General Council were appointed as Directors



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of the said company. Therefore, no offence is made out as alleged by the

3rd respondent. In order to pursue personal vengeance, the 3rd respondent has lodged the present complaint.

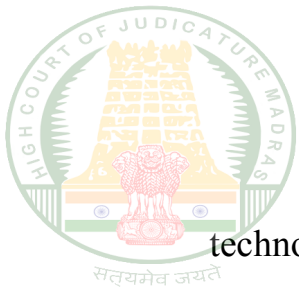
11.The counsel for the petitioner in Crl.O.P.No.5515 of 2024 submitted that the petitioner is arrayed as 4th accused. The only allegation against him is that he along with other accused persons had started a private company under the name and style of Periyar University Technology Entrepreneurship and Research Foundation, with profit motive. He is a professor in Bharathidasan University. On the request made by the 2nd accused to be a member of governing committee of PUTER Park explaining its role, the same was accepted by the petitioner. The petitioner was never appointed by any appointment order to serve as a member of the governing committee, instead he participated in the online Governing Body Meeting which was held on 24.05.2023. The petitioner never participated in any activities of the PUTER Park. In fact, the 2nd accused convened a General Body Meeting on 04.10.2023, for which the petitioner could not participate due to his previous assignment. Further, he was under the impression that this company is non-profitable and to serve the students and therefore he cooperated with the other



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accused persons and accepted to act as a member of the Governing Committee. Therefore, no offence is made out as against the petitioner under the SC/ST Act or any other provisions in IPC. Further, there is no accusation as against the petitioner that he had caused monetary loss to the University and to the Company. In fact, subsequently, the petitioner's name was removed from the list of directors in the PUTER Park. Therefore, the petitioner is no more a Director of PUTER Park from 30.11.2023.

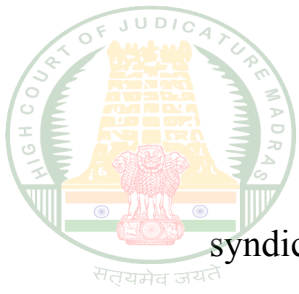
12. On perusal of the counter and also on the submissions made by the learned Additional Public Prosecutor for the respondents 1 & 2, it is revealed that as per G.O.Ms.No.6, dated 19.01.2013, issued by the Higher Education Department, ordered to set up a Incubation and Technology Transfer Centres in nine Universities including the Periyar University. Each University was granted 29.88 lakhs for the said establishment. However, as per the Government Order, no instruction was given to register the said establishment under Section 8 of the Companies Act. As per the Government Order, ITTC was established to offer innovative ideas of the students into commercially viable products and provide a platform to establish startup to commercialize these innovative



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technologically viable products with the support of business firms and entrepreneurs or commercialize it by linking the villages through village level technology associations. While being so, all the accused connived together along with one Tr.Sasikumar Sadhasivam, Executive Director Knowledge and Skills International, Cochi, Kerala, had illegally started the project without approval of the syndicate in the name of PUTER Park under the banner of ITTC that too against the norms specified under G.O.(Ms).No.6 dated 19.01.2013. They had started this project with an ulterior motive of performing illegal pecuniary gain by misappropriating the funds by way of cheating by starting an institution fraudulently in the name of Periyar University and to offer technological trainings to the entrepreneurs as well as to the students through their interested private institutions at their choice after making Memorandum of Understanding (MOU).

13.That apart, they had neither placed this proposal in any of the subsequent syndicate meeting nor sent the proposal to the Government for any permission. In order to legalize the PUTER Park, they had illegally and fraudulently changed the name of ITTC into PUTER Park on their own accord dated 01.03.2022 that too without an approval of the



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syndicate. The change of nomenclature without permission of the syndicate as well as the Government is totally illegal. Further, they have been fraudulently allotted three halls to their private company in the place of the Business Incubation Centre and the Department of Journalism and Mass Communication of the Periyar University which was established and built from the Government funds. Further, all the communications were sent to themselves without obtaining any permission or approval from the syndicate of the University.

14.As per the Periyar University Act Chapter - IV Class – II, Sections 20, 23 and 26, the buildings, assets, infrastructures belonging to Periyar University are under the direct control and supervision of the syndicate of the University. Even before the registration of the said Company, by the accused 1 & 2, by order dated 14.09.2023, fraudulently allotted 2024 sq.ft of space for the office of the PUTER Park that too without any approval from the syndicate. They also illegally allotted 300 sq.ft of space for the CEO of the PUTER Foundation. In fact, the CEO of the PUTER Foundation and the Registrar of the Periyar University is one and the same person. Further, a 720 sq.ft of space was also allotted in the second floor of the building for the purpose of imparting drone pilot



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training which was allotted with the approval of the Vice Chancellor, the 1st accused and the allotment order was issued by the 2nd accused. The said orders were issued to themselves and the 2nd accused acted as CEO of PUTER Park as well as the Registrar of the University. For these halls, they fixed the rent at Rs.26,782/-, Rs.9,865/- and Rs.3,972/- in total Rs.30,764/-. However, they have not paid any rent to the Periyar University and they had misappropriated the said rent for a period of eight months to the tune of Rs.2,55,847/-.

15. That apart, they had invested a sum of Rs.1,00,000/- from their personal money as share capital amount of the PUTER Foundation. If the PUTER Foundation is a part of the Periyar University, there was absolutely no necessity for the accused who are the Directors of the said private company to invest their personal money. They also had spent more than Rs.5,00,000/- towards interior works carried out in the place allotted for the PUTER Foundation. These allegations are clearly attracting the offences under Sections 294(b), 120B, 420, 468, 409, 511, 506(1) of IPC and 3(1)(r) & 3(1)(s) of the SC/ST (Prevention of Atrocities) Act, 1989, as against the accused persons.



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16.Further, in this regard, it is relevant to rely upon the judgment of the Hon'ble Supreme Court of India passed in the judgment reported in **2019 (14) SCC 350** in the case of ***Sau. Kamal Shivaji Pokarnekar vs. The State of Maharashtra & ors., (Crl.A.No.255 of 2019*** dated **12.02.2019**) held that the learned Magistrate while taking cognizance and summoning, is required to apply his judicial mind only with the view to taking cognizance of the offence whether a *prima facie* case has been made out for summoning the accused person. The learned Magistrate is not required to evaluate the merits of the materials or evidence in support of the complaint, because the Magistrate must not undertake the exercise to find out whether the materials would lead to conviction or not. Only in a case where the complaint does not disclose any offence or is frivolous, vexatious or oppressive, the complaint/FIR can be taken for consideration for quashment. If the allegations set out in the complaint do not constitute the offence of which cognizance has been taken by Magistrate, it can be considered for quashment. Therefore, it is not necessary that a meticulous analysis of the case should be done before the trial to find out whether the case would end in conviction or acquittal. If it appears on a reading of the complaint and consideration of the allegations therein, in the light of the statement made on oath that the ingredients of the offence are disclosed,



there would be no justification to interfere. At the initial stage of issuance of process, it is no open to the Court to stifle the proceedings by entering into the merits of the contentions made on behalf of the accused. Therefore, the criminal complaint cannot be quashed only on the ground that the allegations made therein appear to be of a civil nature. If the ingredients of the offence alleged against the accused are *prima facie* made out in the complaint, the criminal proceeding shall not be interdicted.

17. Further the Hon'ble Supreme Court of India issued directions in the judgment reported in **2021 SCC Online SC 315** in the case of ***M/s.Neeharika Infrastructure Pvt. Ltd., Vs. State of Maharashtra & ors.***, as follows :-

“23.

vi) *Criminal proceedings ought not to be scuttled at the initial stage;*

vii) *Quashing of a complaint/FIR should be an exception rather than an ordinary rule;*

.....

xii) *The first information report is not an encyclopaedia which must disclose all facts and details relating to the offence reported. Therefore, when the*



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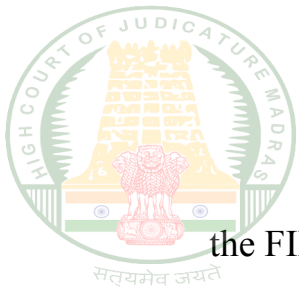
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investigation by the police is in progress, the court should not go into the merits of the allegations in the FIR. Police must be permitted to complete the investigation. It would be premature to pronounce the conclusion based on hazy facts that the complaint/FIR does not deserve to be investigated or that it amounts to abuse of process of law. After investigation, if the investigating officer finds that there is no substance in the application made by the complainant, the investigating officer may file an appropriate report/summary before the learned Magistrate which may be considered by the learned Magistrate in accordance with the known procedure;

.....

xv) When a prayer for quashing the FIR is made by the alleged accused and the court when it exercises the power under Section 482 Cr.P.C., only has to consider whether the allegations in the FIR disclose commission of a cognizable offence or not. The court is not required to consider on merits whether or not the merits of the allegations make out a cognizable offence and the court has to permit the investigating agency/police to investigate the allegations in the FIR;”

18.In view of the above, this Court finds no grounds to quash the very FIR on its threshold. Accordingly, this Court is not inclined to quash



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the FIR as against the three accused persons.

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19.In the result, these Criminal Original Petitions are dismissed.
The 1st respondent is directed to complete the investigation within a period of twelve (12) weeks from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petitions are closed.

04.04.2025

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Index : Yes / No

Internet : Yes / No

Neutral Citation : Yes / No

To

1.State by

The Deputy Superintendent of Police,
Karuppur Police Station, Salem City, Salem District.

2.The State of Tamil Nadu,

Represented by the Assistant Commissioner of Police,
Sooramangalam Range, Salem.

3.State by

The Inspector of Police,
Karuppur Police Station, Salem City, Salem District.

4.The Public Prosecutor,

Madras High Court, Chennai.

G.K.ILANTHIRAIYAN, J.



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