



Crl.O.P.Nos.2854, 2989, 7340, 7342 and 7352 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 10.09.2025

PRONOUNCED ON : 16.09.2025

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.Nos.2854, 2989, 7340, 7342 and 7352 of 2025

and

Crl.M.P.Nos.4695 to 4698, 4703 & 4705, 1842 and 1986 of 2025

Crl.O.P.No.7342 of 2025

1.S.Balasubramani

Formerly Executive Officer,
Sankagiri Special Grade Town Panchayat,
Salem District.

2.K.Sundaramurthi,

Formerly Executive Officer,
Sankagiri Special Grade Town Panchayat,
Salem District.

.. Petitioners/A1 & A3

Versus

State represented by:

The Inspector of Police,
Vigilance and Anti-Corruption,
Salem.

(V & AC Crime No.3/AC/2021)

... Respondent/Complainant



Crl.O.P.Nos.2854, 2989, 7340, 7342 and 7352 of 2025

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for entire records and quash Spl.C.C.No.1 of 2024 on the file of Special Court for trial of Cases under Prevention of Corruption Act, Salem against the petitioners.

Crl.O.P.No.2989 of 2025

D.Srinivasan,
Formerly Executive Officer,
Sentharapatty Selection Grade Town Panchayat,
Salem District. .. Petitioner/A2

Versus

State represented by:
The Inspector of Police,
Vigilance and Anti-Corruption,
Salem.
(V & AC Crime No.3/AC/2021) ... Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for entire records and quash Spl.C.C.No.1 of 2024 on the file of Special Court for trial of Cases under Prevention of Corruption Act, Salem against the petitioner.



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Crl.O.P.No.2854 of 2025

1.M.Meganathan

Formerly Executive Officer,
Edanganasalai Town Panchayat,
Salem District.

2.K.Ganesan,

Formerly Executive Officer,
Panamarathupatty First Grade Town Panchayat,
Salem District.

.. Petitioners/A1 & A2

Versus

State represented by:

The Inspector of Police,
Vigilance and Anti-Corruption,
Salem.

(V & AC Crime No.3/AC/2021)

... Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for entire records and quash Spl.C.C.No.2 of 2024 on the file of Special Court for trial of Cases under Prevention of Corruption Act, Salem against the petitioners.



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Crl.O.P.No.7340 of 2025

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S.K.M.Kadar,
Formerly Executive Officer,
Keeripatty First Grade Town Panchayat,
Salem District.

.. Petitioner/A3

Versus

State represented by:
The Inspector of Police,
Vigilance and Anti-Corruption,
Salem.
(V & AC Crime No.3/AC/2021)

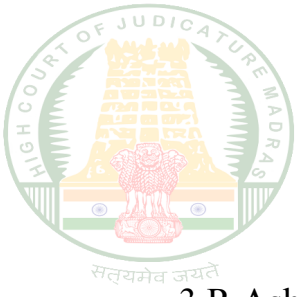
... Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for entire records and quash Spl.C.C.No.2 of 2024 on the file of Special Court for trial of Cases under Prevention of Corruption Act, Salem against the petitioner.

Crl.O.P.No.7352 of 2025

1.V.Ganesh
Formerly Executive Officer,
Valapady Selection Grade Town Panchayat,
Salem District.

2.S.Arumuganainar,
Formerly Executive Officer,
Kannankuruchi Selection Grade Town Panchayat,
Salem District.



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3.R.Ashokkumar,
Formerly Executive Officer,
Omalur Selection Grade Town Panchayat,
Salem District.

.. Petitioners/A1 to A3

Versus

State represented by:
The Inspector of Police,
Vigilance and Anti-Corruption,
Salem.
(V & AC Crime No.3/AC/2021)

... Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for entire records and quash Spl.C.C.No.3 of 2024 on the file of Special Court for trial of Cases under Prevention of Corruption Act, Salem against the petitioners.

For Petitioners : Mr.V.Jayaprakash Narayanan
in all Crl.O.Ps.

For Respondent : Mr.S.Udaya Kumar
in all Crl.O.Ps. Government Advocate (Crl. Side)

COMMON ORDER

These petitions have been filed to quash the charge sheet against the petitioners (A2 to A10 as per F.I.R.)/Accused Nos.1 to 3 in Spl.C.C.Nos.1 to 3 of 2024 pending on the file of Special Court for Trial of Cases under



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Prevention of Corruption Act, Salem.

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(i) The petitioners in Crl.O.P.No.7342 of 2025 and Crl.O.P.No.2989 of 2025 are the Accused Nos.1 to 3 in Spl.C.C.No.1 of 2024.

(ii) The petitioners in Crl.O.P.No.2854 of 2025 and Crl.O.P.No.7340 of 2025 are the Accused Nos.1 to 3 in Spl.C.C.No.2 of 2024.

(iii) The petitioners in Crl.O.P.No.7352 of 2025 are the Accused Nos.1 to 3 in Spl.C.C.No.3 of 2024.

2.All the three cases originate from a common F.I.R. in Crime No.3 of 2021 with regard to purchasing of vehicle mounted fogging machines to Town Panchayats at exorbitant rate and causing huge loss to the Town Panchayat funds during the year 2018 – 2019. Since the allegations are similar and the grounds raised taken by the petitioners are similar, the above Criminal Original Petitions are taken up and disposed of by way of a common order.



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3.(i) The gist of the case is that based on a vigilance report in VR

No.20894/2020/TP/SL a case in Crime No.3 of 2021 for offences under Sections 13(2) r/w 13(1)(a) of the Prevention of Corruption (Amendment) Act, 2018 and Section 120-B, 167, 409, 420, 465, 467, 468, 471 and 474 of I.P.C. registered on 28.01.2021 against A1/N.M.Murugan, formerly Assistant Director of Town Panchayats, Salem Zone, Salem, A2/S.Balasubramani, formerly Executive Officer, Sankagiri Special Grade Town Panchayat, Salem District, A3/D.Srinivasan, formerly Executive Officer, Sentharpatty Selection Grade Town Panchayat, Salem District, A4/K.Sundaramurthi, formerly Executive Officer, Thammampatty Selection Grade Town Panchayat, Salem District, A5/V.Ganesh, formerly Executive Officer, Valapady Selection Grade Town Panchayat, Salem District, incharge of Pethanaickenpalayam Town Panchayat, A6/S.Arumganainar, formerly Executive Officer, Kannankurichi Selection Grade Town Panchayat, Salem District, A7/R.Ashokkumar, formerly Executive Officer, Omalur Selection Grade Town Panchayat, Salem District, A8/M.Meganathan, formerly



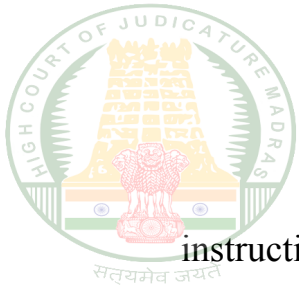
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Executive Officer, Edangannasalai Town Panchayat, Salem District,

A9/K.Ganesan, formerly Executive Officer, Panamarathupatty First Grade Town Panchayat, Salem District and A10/M.Kadar Batcha, formerly Executive Officer, Keeripatty First Grade Town Panchayat, Salem District.

(ii). During investigation, it was found that the Executive Officers of the Town Panchayat, namely, A2 to A10 (as per F.I.R.) hatched a criminal conspiracy with the Traders, namely, A11/H.Thageer Hussain, Proprietor of Crescent Traders, Chennai, A12/S.Muthukumar, Proprietor of Muthu Traders, Pudukottai, A13/M.Kannan, Proprietor of TVM Traders, Pudukottai, A14/V.Palanivel, Proprietor of Naga Traders, Chennai, A15/A.Vadivel, Proprietor of AVT Agencies, Trichy, A16/D.Rajendran, Proprietor of MM Enterprises, A17/R.Rajeswari, Proprietor of Sri RR Traders, Thiruvallur, A18/D.Ravintharan, Proprietor of Deva Traders, Thanjavur and A19/T.Nedunchezian, Proprietor of Nedunchezian Enterprises, Coimbatore. During the relevant period, they purchased fogging machines to

their respective Town Panchayats at an exorbitant rates against the



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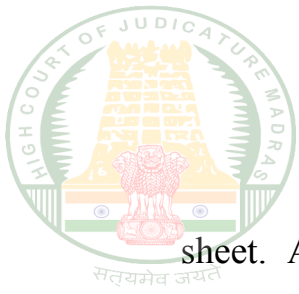
instructions of the Assistant Director of Town Panchayats, Salem Zone

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knowing well that purchased at a cost more than the Maximum Retail Price, thereby they misappropriated the Government funds by purchasing fogging machines at an exorbitant rate, which was much higher comparing to the Maximum Retail Price fixed by the manufacturing company. The act of tenderers/traders establish that cartel formed among the traders, with the officials of Panchayats and pursuant to that, exorbitant rate fixed and the difference amount misappropriated, thereby causing loss to the government fund.

(iii). Further, during investigation, it was found that A1 (named in the F.I.R.) N.M.Murugan, Assistant Director of Town Panchayats, Salem instructed the Executive Officers of the Town Panchayats (A2 to A10 in F.I.R.) to purchase fogging machines within the MRP rate and if purchased at higher rates than the MRP, the MRP rate alone to be disbursed. Further, there is no evidence against A1/N.M.Murugan that he participated in the conspiracy and gained unlawfully. Hence, he was deleted from the charge

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sheet. After investigation, three different charge sheets laid against the

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Executive Officers of the Town Panchayat (A2 to A10) and the private traders, who supplied fogging machines to the respective Panchayats. The said charge sheets were taken on file by the learned Special Judge, Vigilance and Anti-Corruption Cases, Salem in Spl.C.C.No.1 of 2025, Spl.C.C.No.2 of 2025 and Spl.C.C.No.3 of 2025 against the petitioners for offences under under Sections 13(2) r/w 13(1)(a) of the Prevention of Corruption (Amendment) Act, 2018 and Section 120-B, 167, 409, 420, 465, 467, 468, 471 and 474 of I.P.C.

(iv)In Spl.C.C.No.1 of 2024, there are totally 6 accused. The petitioners in Crl.O.P.Nos.2989 & 7342 of 2025 are arrayed as A1 to A3 in Spl.C.C.No.1 of 2024. The gist of the allegation in this case is that during the year 2019, A1 entered into a criminal conspiracy with A4 to A6 by agreeing to do certain illegal acts and to misappropriate the Sankagiri Town Panchayat fund in awarding tender to A4 to A6. Similarly, A2 entered into a criminal conspiracy with A4 to A6 by agreeing to do certain illegal acts and to

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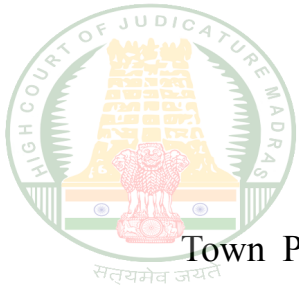


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misappropriate the Sentharapatty Town Panchayat fund in awarding tender to

A4 to A6 and A3 entered into a criminal conspiracy with A4 to A6 by agreeing to do certain illegal acts and to misappropriate the Thammampatty Town Panchayat fund in awarding tender to A4 to A6. On conclusion of investigation, charge sheet filed in this case listing LW1 to LW22 and listed documents LD1 to LD20.

(v)In Spl.C.C.No.2 of 2024, there are totally 6 accused. The petitioners in Crl.O.P.Nos.2854 & 7340 of 2024 are arrayed as A1 to A3 in Spl.C.C.No.2 of 2024. The gist of the allegation in this case is that during the year 2019, A1 entered into a criminal conspiracy with A4 to A6 by agreeing to do certain illegal acts and to misappropriate the Edanganasalai Town Panchayat fund in awarding tender to A4 to A6. Similarly, A2 entered into a criminal conspiracy with A4 to A6 by agreeing to do certain illegal acts and to misappropriate the Panamarathupatty Town Panchayat fund in awarding tender to A4 to A6 and A3 entered into a criminal conspiracy with A4 to A6 by agreeing to do certain illegal acts and to misappropriate the Keeripatty



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Town Panchayat fund in awarding tender to A4 to A6. On conclusion of investigation, charge sheet filed in this case listing LW1 to LW25 and listed documents LD1 to LD20.

(vi)In Spl.C.C.No.3 of 2024, there are totally 6 accused. The petitioners in Crl.O.P.No.7352 of 2025 are arrayed as A1 to A3 in Spl.C.C.No.3 of 2024. The gist of the allegation in the case is that during the year 2019, A1 entered into a criminal conspiracy with A4 to A6 by agreeing to do certain illegal acts and to misappropriate the Pethanaickenpalayam Town Panchayat fund in awarding tender to A4 to A6. Similarly, A2 entered into a criminal conspiracy with A4 to A6 by agreeing to do certain illegal acts and to misappropriate the Kannankurichi Town Panchayat fund in awarding tender to A4 to A6 and A3 entered into a criminal conspiracy with A4 to A6 by agreeing to do certain illegal acts and to misappropriate the Omalur Town Panchayat fund in awarding tender to A4 to A6. On conclusion of investigation, charge sheet filed in this case listing LW1 to LW21 and listed documents LD1 to LD20.

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4.The learned counsel for the petitioners made a comprehensive

submission in all the three cases submitting that charge sheet filed in all three cases that petitioners, who are formerly Executive Officers of Town Panchayats of Salem District, along with private suppliers of fogging machine entered into a conspiracy in purchase of fogging machines more than the MRP rate and thereby caused loss to the Town Panchayat.

5.The contention of the learned counsel for petitioners is that as per the circular and directions of A1 (as per F.I.R.), Assistant Director of Town Panchayats, the petitioners not followed Tamilnadu Financial Code, The Tamilnadu Transparency in Tenders Act, 1998, the Government Orders issued in respect of purchases by the government departments, followed limited tender procedure and placed supply order to the lowest bidder. Accordingly, the fogging machines purchased by the respective Town Panchayats. All petitioners passed resolutions before taking decision to purchase the fogging machine and similarly after floating tender, the petitioners submitted all the

bidding offers made by the suppliers with comparative chart to Assistant

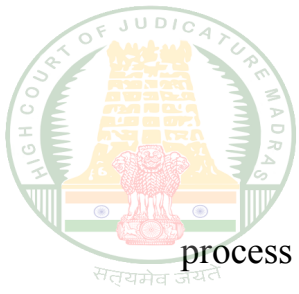
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director of Town Panchayat and obtained permission before placing supply order, thereafter passed another resolution and placed the supply order to the lowest bidders/Traders. Accordingly, supplies made from the private successful bidders/Traders and the amount was released to their account.

6.That apart, the petitioners verified the price for purchasing the fogging machines by the other town panchayats during the year 2017-2018, 2018-2019 and found with similar specifications fogging machine purchased at the rate of Rs.5,75,604/- by almost all 180 Town Panchayats. The respondent registered FIR only against the petitioners and failed to take any action against the 180 Panchayats, who have purchased the fogging machine for the same price from the same suppliers. Therefore, the entire prosecution suffers from malafide intention, to pick and choose and to prosecute only the petitioners leaving several other officers of different Town Panchayats, who bought the fogging machine for the same price. This act of the respondent amounts to arbitrariness and discrimination, improper motive and abuse of



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process of law. Following selective prosecution amounts to abuse of the legal

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process, since the petitioners are targeted. Hence, prayed to terminate the

malafide prosecution initiated by the respondent.

7.Further he submitted that as per G.O.MS.No.207 Finance (Salaries) Department dated, 04.07.2017 and Government letter dated 04.07.2017, the Government issued guidelines as to how to ascertain the price of the goods supplied to the Government departments. In the said Government orders, the Government officers can verify and compare the price of any goods by searching in Government e-Market Portal (GeM). Accordingly, the petitioners searched in the GeM portal and found there was no sale price for fogging machine in the year 2018-2019. Hence, the petitioners resorted to tender notification and after verifying the price accepted by other town Panchayats, the petitioners placed purchase order and released price amount after getting concurrence from Assistant Director of Town Panchayat. He further submitted that for the similar specifications of fogging machine, MRP price



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quoted by the GeM portal in the year 2020 per unit is Rs.7,95,000/- and the

offer price quoted as Rs.6,50,000/-, hence, the price accepted by the petitioners are reasonable and proper.

8. The entire expenditure of Town Panchayats, in which the petitioners served, audited by the Director of Local Fund Audit for every year periodically as per the Tamil Nadu Local Fund Audit Act, 2014. The Director of Local Fund Audit never raised any objection with regard to the price and money spent for purchasing the said Mega Fogging Machine during the year 2018-2019 and no complaint given either by the audit department or by the Town Panchayat Department so far. The Audit department verified all accounts of nearly 180 Town Panchayats which has purchased the fogging machine for the same prices and never raised any objection with regard to the procedure followed and never found that the price is exorbitant.

9. He further submitted that as per Section 287 of The District Municipality Act, under Schedule VI, several diseases were classified as

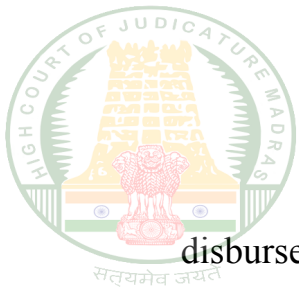


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deadly disease and therefore it is mandatory on the part of the Executing authority to prevent such dangerous diseases like dengue, swine flu, bird flu, etc., which are likely in respective Jurisdiction. The Assistant Director of Town Panchayats/Special Officer being executive authority under Tamilnadu District Municipality Act, have special powers to spend money on emergency situation by invoking the powers vested on them under Section 15 of the Tamilnadu District Municipality Act and the purchase made.

10.He further submitted that the Assistant Director of Town Panchayat/A1 was appointed as Special Officer of all Town Panchayats in Salem Region under section 375-B of the Tamilnadu District Municipality Act, 1920 under G.O.Ms.No.145, Municipal Administration and Water Supply Department dated 24.10.2016, Gazette Notification dated 24.10.2016, to discharge the functions of Town Panchayats during the relevant period. Accordingly, a resolution passed and rate approved by the Assistant Director/A1. After his approval, again by another resolution tender files approved by the Assistant Director and thereafter, orders placed, amounts

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disbursed. As per Government orders in force and Transparency in tenders

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Act, for low value procurement which is less than Rs.10,00,000/- (Rupees Ten Lakhs only), the petitioners are exempted from the act and rules and it is not compulsory to place purchase orders following the tender procedure as per the financial code. In this case, three tenderers participated for supply of vehicle mounted fogging machine and among three, lowest price bidder was selected and orders placed.

11.He further submitted that the investigation officer refers price quoted by M/s. Banumathi Agencies, Coimbatore, an authorized dealer at the rate of Rs.2,62,690/- per unit including GST and M/s.Lakshmi Agencies, Salem at the rate of Rs.3,47,700/-. But these two agencies not participated in the tenders. Further, there is a difference of Rs.85,000/- between these two agents. The Investigating Officer cannot rely upon such rates given by private agencies as MRP for particular products unless they participate and offer their price to the purchaser. Therefore, the quotation of Lakshmi Agencies and

Banumathi Agencies cannot be referred as bench mark and thereby projecting

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the purchase price by the Panchayat being exorbitant and more than MRP and the difference amount projected as misappropriated.

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12.The learned counsel referred to the judgment of the Apex Court in the case of ***C.K.Jaffer Shariff vs. State*** reported in ***(2013) 1 SCC 205*** for the point that if the Rules or Norms applicable were violated or the decision taken shows an extravagant display of redundance, which may be improper or contrary to the departmental norms. But the same cannot be said to be by a dishonest intention to obtain an undue pecuniary advantage. When the dishonest intention is the gist of the offence, there must be some materials to substantiate. In the absence of the same, continuation of the prosecution would be an abuse of process of Court.

13.He further referring to the decision of Hon'ble Apex Court in the case of ***Himachal Pradesh Cricket Association and others vs. State of Himachal Pradesh and others*** reported in ***(2020) 18 SCC 493*** submitted that

when the sanction has been declined, it is sufficient to absolve from any

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criminal prosecution. Further referring to the Hon'ble Apex Court judgment

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in the case of ***Deepak Gaba and others vs. State of Uttar Pradesh and***

another reported in (2023) 3 SCC 423 submitted that criminal breach of trust

would mean using or disposing of the property by a person, who is entrusted

with or otherwise has dominion. Such an act must not only be done

dishonestly, but also in violation of any direction of law or any contract

express or implied relating to carrying out the trust. Likewise to apply

Section 420 of I.P.C., namely, cheating and dishonestly inducing delivery of

property, the ingredients of Section 415 of I.P.C. to be satisfied. In this case,

no such materials available.

14.He further referring to the decision of Hon'ble Apex Court in the

case of ***Mariam Fasihuddin and another vs. State by Adugodi Police***

Station and another reported in (2024) SCC OnLine SC 58 submitted that

cheating generally involves a preceding deceitful act that dishonestly induces

a person to deliver any property or any part of a valuable security, prompting

the induced person to undertake the said Act, which they would not have

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done but for the inducement. He further referring to the case of

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S.Gnanamani vs. State represented by Inspector of Police and batch cases

reported in (2023) ***SCC OnLine Mad*** and the case of ***C.Surendranath and***

another vs. State of Kerala reported in (2024) ***SCC OnLine Ker*** and lastly

referring to the Hon'ble Apex Court judgment in the case of ***Bhajan Lal***

submitted that where a criminal proceeding is manifestly attended with

malafide and maliciously instituted with an ulterior motive for wreaking

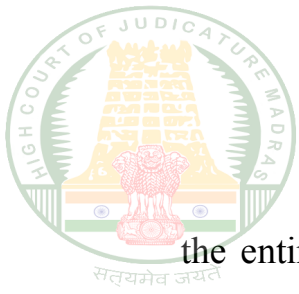
vengeance on the accused and with a view to spite him then it is a ground to

quash proceedings.

15.He further submitted that in this case after getting permission from the Assistant Director, the entire purchase of fogging machines, calling for tenders, selecting the lowest tenderer, placing orders and thereafter releasing funds, done. Further referring to the authorised dealers, who have not participated in the tender process and quoting price less than MRP ought to have been adopted cannot be sustained and further for the 180 Panchayats,

who purchased fogging machines in the same price, no action taken. Hence,

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the entire case is with malice and malafide and prayed for quashing of the cases.

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16.The learned Government Advocate (Crl. Side) filed his counter in all cases and submitted that petitioners being a public servant is entrusted with the work of local administration of Panchayat and also purchase of fogging machines with due intelligence to prevent wrongful loss to the Government. As per Section 13(1)(a) of PC (Amendment) Act, a public servant, who dishonestly or fraudulently misappropriates property entrusted to them, is guilty of criminal misconduct. It is not proper to state that petitioners not indulged in any offence much less committed criminal misconduct. He further submitted that based on vigilance report sent by an officer of DVAC, Vigilance Commissioner concurred with the report and after getting prior permission from the Assistant Chief Secretary to the Government in his Letter (2D) No.65, Municipal Administration and Water Supply (TP4) Department, dated 30.11.2020 as per Section 17-A of the PC



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Act, the case in Crime No.3 of 2021 registered and investigated. In this case,

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sanction for prosecution from the Commissioner of Town Panchayats under Section 19(1)(c) of the Act was obtained and thereafter only charge sheet filed

17.He further submitted that there are other cases, which are being investigated and prosecuted and the petitioners are not targeted. As regards case of N.M.Murugan, Assistant Director, who was formerly named in the F.I.R. as A1, he was dropped in the charge sheet after finding there was no conspiracy or any active role played by him. In this case, it is found that petitioners conspired with the suppliers, quoted identical price for fogging machines, namely, Sri RR Traders, Chennai quoted Rs.5,72,000/-, Deva Traders quoted Rs.5,73,000/- and Nedunchezian Enterprises quoted Rs.5,74,000/- for supplying to three different Town Panchayats, which would go to show the amount quoted in the quotation are more than the MRP rate and with dishonest intention to misappropriate the government funds through the suppliers, shared the government money and caused the wrongful loss to

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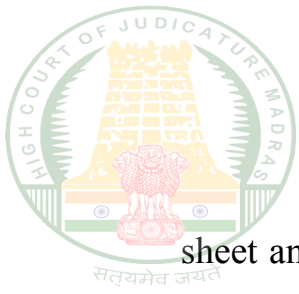


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the government.

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18.In this case, the petitioners not followed the instructions issued by Assistant Director of Town Panchayats and the conditions laid. The machinery should have purchased with the market price and if it is purchased in excess, the MRP rate and the excess amount to be deducted and only MRP amount paid to the suppliers. The petitioners violated the above instructions and caused wrongful loss to the Government to the tune of Rs.2,24,300/-. They violated the Government Order. Prior to registration of F.I.R., a preliminary Vigilance report received. After proper verification with the records in the Panchayat, report submitted and thereafter the Vigilance Commissioner concurred with the report, and after getting approval from the Municipal Administration Department, F.I.R. registered. During investigation, several persons examined and statements recorded and documents collected. These statements and documents were submitted to the Sanction authority, who perused the documents, statements and the charge



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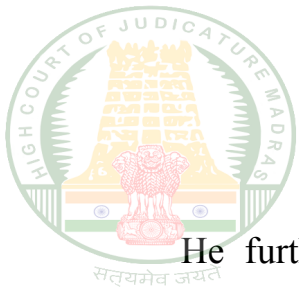
sheet and thereafter accorded sanction under Section 19 of the PC Act. After

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investigation in Crime No.3 of 2021, three distinct cases arose and three charge sheets filed. Earlier, some of the petitioners filed a petition seeking quashing of F.I.R., which was dismissed by this Court. The citations relied upon by the petitioners are not applicable to the facts and circumstances of this case. Some of the cases cited are at the stage of F.I.R. and some after the conclusion of trial. Now in this case, investigation completed, charge sheet filed with sufficient materials. The trial Court on perusal of the charge sheet and materials produced, after perusal and satisfaction, taken cognizance.

19.He further submitted that only in the event of emergency situation upon the instruction of the CM and Health Department advices, fogging machines to be purchased. The petitioners unable to produce any document or material to show that during the relevant period there was dengue outbreak or any contiguous disease, which needed immediate purchase of fogging machines. Hence, with ulterior motive, these fogging machines purchased and in the process, violated the rules and procedures to benefit themselves.

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He further submitted that in the neighbouring district, similar cases are

registered, which are pending enquiry, hence, cannot be alleged that the respondent not taken any action against other Panchayat and Municipalities.

The petitioners reply on a document obtained through RTI Act will not automatically exonerate the petitioners from the charges. Further the petitioners relying upon the price list uploaded in GeM portal for the year 2020, which is not applicable to the facts of the case, since the occurrence took place during the period 2018 - 2019.

20.He further submitted that the petitioners contention that variants in MRP price likely is not sustainable. MRP price is standardized and cannot be changed and quotation rate may vary. In the Government department, machineries and equipment to be purchased only at MRP price. There is specific instructions from the Assistant Director Town Panchayat that if the fogging machines are purchased above the MRP rates, cheque has to be issued only for the MRP amount deducting excess amount. In this case, it is a

clear violation and higher amount paid causing loss to the Government. As
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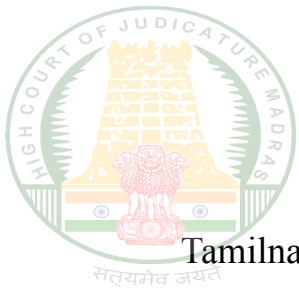
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regards the Tamil Nadu Local Fund Audit is concerned, they concentrate

whether procedural adherence compliance and to find fault with any violation of departmental procedure. The investigation clearly confirmed that the petitioners colluded with the traders and caused wrongful loss to the Government fund. He further submitted that the premodial contention of the petitioners is that the case proceeded with motivation and malice, which can be decided only during trial and not in a quash application. There are sufficient materials to proceed against the petitioners. Hence, prayed for dismissal of quash petitions.

21.Considering the submissions made and on perusal of the materials, it is seen that the petitioners, former Executive Officers of the respective Town Panchayat purchased fogging machines for the Town Panchayats during the year 2018 - 2019. At that time, the Assistant Director issued clear instructions to the Town Panchayats to follow procedure without jurisdiction. In this case the primary contention is that there was no price uploaded in the GeM portal, hence called for limited tenders following the

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Tamilnadu Financial Code. This limited tender process was not given wide

publicity to all traders, all were not informed about the purchase of fogging machines. The MRP is a constant factor to all dealers, suppliers and traders and the tender rates might include other features and may vary. In this case, MRP rate with dealers should be static. It is seen that whether at all the tenders were approved dealers or not, to be decided and whether the manufacturer had allowed the traders to fix MRP rates of their own, it is a matter of fact. The petitioners now quoting the GeM rate of the year 2020 and comparing the same is not proper. Whether all traders were made known about the purchase of fogging machines, is also a fact in issue.

22.Further the primary ground raised by the petitioners is that 180 Town Panchayats purchased fogging machines for higher rates but no action has been taken, hence, malice and motivated case projected against the petitioners. Motive and malice is a matter of fact, which has to be decided during trial. Further, the points raised by the petitioners are factual and disputed by the prosecution and no impeccable material produced by the

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petitioners to overlook the charge sheet. As rightly pointed out by the learned

Government Advocate (Crl. Side), the citations referred by the petitioners are not applicable to the facts of this case. In view of the same, these Criminal Original Petitions stand dismissed.

23. It is made clear that the observations made herein is only for the purpose of disposing of the above petitions. The trial Court uninfluenced with the above observations shall decide the case on its own merits and in accordance with law. Consequently, the connected Criminal Miscellaneous Petitions are closed.

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Index : Yes / No

Neutral citation : Yes / No

Internet : Yes/No

Speaking / Non-speaking order

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M.NIRMAL KUMAR, J.

rsi

To

- 1.The Special Judge,
Special Court for trial of Cases under Prevention of Corruption Act,
Salem.
- 2.The Inspector of Police,
Vigilance and Anti-Corruption,
Salem.
- 3.The Public Prosecutor,
High Court, Madras.

**Pre-delivery common order in
Crl.O.P.Nos.2854, 2989, 7340, 7342 and 7352 of 2025**

16.09.2025