



Crl.O.P.No.9946 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

Crl.O.P.No.9946 of 2025

Gopal

... Petitioner

-Vs-

The Superintendent of Police
Vigilance and Anti-Corruption Police Station
No.B-3, Rajaji Street, Swarnapuri, Salem – 636 004.

... Respondent

Prayer: Criminal Original petition filed under Section 528 of BNSS, to call for the records and quash the First Information Report in Crime No.06/AC/2018 on the file of the respondent police and pass such further or other orders.

For the petitioner : Mr.S.Ravichandran

For the respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

This Criminal Original Petition is filed with a prayer to call for the records and quash the First Information Report in Crime No.06/AC/2018 on the file of the respondent police.

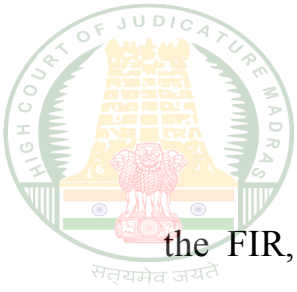


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2. The case in Crime No.06/AC/2018 was registered for an offence under Sections 120-B, 409, 467, 468, 471, and 477A of the Indian Penal Code, Section 13(2) read with 13(1)(c) and (d) of the Prevention of Corruption Act, 1988, read with Section 109 of the Indian Penal Code. The allegations in the said First Information Report are that in respect of a Government scheme, the beneficiaries would be able to get financial assistance of Rs.15,000/- for death and Rs.2,000/- for cremation expenses. When A1 to A3 being the appropriate authorities of initiating the file, processing, and sanctioning, etc., made use of the scheme in fictitious names, dead persons' names, and also by creating false documents in some cases forged the signatures and misappropriated the government funds to the tune of Rs.2,67,000/-, and hence the First Information Report is registered.

3. The learned counsel appearing on behalf of the petitioner would submit that the alleged occurrences happened around the year 2008, while the First Information Report was lodged only in the year 2018. Therefore, there is a huge delay, which causes prejudice to the accused, and therefore this Court should quash the First Information Report. Even otherwise, after registering



the FIR, there is a huge delay and till date the FIR is kept pending, and therefore, in view of the delay in conduct of investigation, the First Information Report is liable to be quashed. Further, it is also the contention that the petitioner has got nothing to do with the same. The provisions of the Tamil Nadu Manual Workers (Construction Workers) Welfare Scheme, 1994 have been scrupulously adhered to, and the same was not properly considered by the investigating officer, at the time of registering the First Information Report.

4. I have considered the submissions made by the learned counsel for the petitioner.

5. As a matter of fact, the entire episode came to light only after a detailed enquiry that was conducted on 19.05.2015 and therefore, when the public servants who are in the process of administering a scheme, create files by fictitious names, dead persons' names, and by false documents and get the amount sanctioned and misappropriated to themselves, this is not a fit case to be interfered with on the ground of delay.



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6. Further, all the allegations are based on documentary evidence and therefore no prejudice would be caused to the defence. Therefore, I do not see that the delay in either registering the FIR or in conducting the investigation vitiates the defence of the accused. Even though the First Information Report is of the year 2018, since it involved forged/false documents, the learned Additional Public Prosecutor submits that the same also had to be verified. Now the sanction has been obtained, the investigation is also complete and they will be filing the charge sheet at any time very soon, even within ten days, as may be directed by this Court.

7. In view thereof, the delay in conduct of investigation is also no more available. The further contention that there is no role played by this petitioner, all matters are to be taken at the time of trial and whether the Manual has been complied with or not are allegations and counter-allegations relating to the factual matrix, which can be considered only at the time of trial and not for quashing the First Information Report itself.

8. Accordingly, this Criminal Original Petition is disposed of, with a



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direction to the respondent to file the final report within a period of ten days from the date of receipt of the website uploaded copy of the order, without waiting for the certified copy.

12.06.2025

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Neutral Citation : Yes/No

To

1.The Superintendent of Police
Vigilance and Anti-Corruption Police Station
No.B-3, Rajaji Street, Swarnapuri, Salem – 636 004.

2.The Public Prosecutor
High Court of Madras.



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D.BHARATHA CHAKRAVARTHY. J,

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