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CrI.O.P.No.22957 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2025

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.22957 of 2025

and

CrI.M.P.No.15686 of 2025

G.Mathivanan

... Petitioner/A4

Versus

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

... Respondent

PRAYER: Criminal Original Petition filed under Section 528 of BNSS, 2023, praying to call for the records relating to the First Information Report in Crime No.04/AC/2022 on the file of the respondent and quash the same as against this petitioner.

For Petitioner : Mr.M.Palanivel

For Respondent : Mr.Leonard Arul Joseph Selvam
Additional Public Prosecutor

ORDER

The petitioner/A4 in Crime No.4 of 2022 for offence under Section 120(B), 406, 409 and 109 of I.P.C. and 13(2) r/w 13(1)(c)(d) of Prevention of



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Corruption Act, 1988 and Sections 13(2) r/w 13(1)(a) r/w 12 of the Prevention of Corruption Act (as amended upto 2018) had filed the above quash petition.

2.The case against the petitioner as per the F.I.R. is that there are totally 5 accused in this case. A1 to A3 are the Block Development Officers (BDO) of Pappireddipatti Panchayat Union. A4 is the Proprietor of Sky Traders and A5 is the Proprietor of P.Kumar Electricals and Hardwares and they are private individuals. During their tenure, work order was allotted by the Block Development Officers, Pappireddipatti Panchayat Union for installation of LED Mini High Mass Lights with poles and other accessories in 6 places. The Block Development Officers in conspiracy and abetment with the private individuals including the petitioner had accorded administration sanction to the work. As regards this petitioner, he was allotted 6 work orders each for Rs.2,50,000/-, in total, Rs.15,00,000/-. During investigation, it was found that without following the Tamil Nadu Panchayats (Preparation of Plans and Estimates for works and mode and conditions of contract) Rules 2007 and G.O.(Ms.) No.203, Rural Development and Panchayat Raj (PR-I) Department, dated 20.12.2007, the work order has been issued. Later during the check conducted on the work, it was found that there



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were huge variation in the execution of the work and material supplied.

Hence, F.I.R. registered against them.

3.The learned counsel for the petitioner submitted that the petitioner is running a business in the name of Sky Traders at Salem. He had participated in the tender procedure. The tender application and the petitioner's financial credentials and work credentials in executing the electrical work verified. Thereafter, after getting approval from the concerned authorities, 6 work orders issued in different panchayats in different places, viz., schools, bus stand and in important junctions. This order was issued on 18.09.2017. Thereafter, the petitioner completed the project and received the amount. This being so, five years thereafter, in the year 2022, F.I.R. registered only for the reason that the work was completed by the petitioner during the previous regime and he has been victimised. Hence, filed this quash petition.

4.The learned Additional Public Prosecutor filed his objection and submitted that the petitioner is now arrayed as A3. The petitioner while executing work in 6 places between 07.05.2018 and 23.05.2018 claimed the amount of Rs.15,00,000/- by submitting bill Nos.1053 to 1058 and he was paid a total sum of Rs.13,42,500/-. The amount was credited to the



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petitioner's bank account in Kotak Mahindra Bank, Hasthampatty Branch, Salem. During super check conducted by the Executive Engineer, it was found that petitioner made exorbitant claim and the amount received was not proportionate to the work executed by the petitioner. He further submitted that in the course of the same transaction and in pursuance of the criminal conspiracy, A3/G.Mathivanan intentionally inflated the cost of the lights and its accessories to the tune of Rs.7,29,496/- in four places and Rs.3,68,666/- in two places. In fact, the actual estimated cost comes only to Rs.2,70,504/- in four place and Rs.1,31,334/- in two places as arrived at by the Executing Engineer during the super checks and thus for all six places a sum of Rs.10,98,162/- was in faulted.

Sl. No.	Place of the works executed	Rate of purchase of materials	Rate arrived by the super check officer	Difference	Deduction of taxes	Amount sanctioned
1.	Muthumariyamman Street, Kamaraj Nagar	Rs.2,50,000	67,626	1,82,374	26,250	2,23,750
2.	Near High Secondary School, Menasi	Rs.2,50,000	65,667	1,84,333	26,250	2,23,750
3.	Near Bus Stand, Tholanur village	Rs.2,50,000	67,626	1,82,374	26,250	2,23,750
4.	Near Nadoor Bus Stop, A.Pallaipatti Panchayat	Rs.2,50,000	67,626	1,82,374	26,250	2,23,750



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Sl. No.	Place of the works executed	Rate of purchase of materials	Rate arrived by the super check officer	Difference	Deduction of taxes	Amount sanctioned
5.	Mel Boyar Street, Puthupatti Panchayat	Rs.2,50,000	67,626	1,82,374	26,250	2,23,750
6.	BC Street, Boothanatham Panchayat	Rs.2,50,000	67,667	1,84,333	26,250	2,23,750
	Total Rs.	Rs.15,00,000	4,01,838	10,98,162	1,57,500	13,42,500

5.He further submitted that now investigation completed, charge sheet filed against the petitioner and two others and the same was taken on file in C.C.No.43 of 2025, which is pending trial before the Principal District Judge, Dharmapuri and summons already issued for the appearance of the petitioners on 19.11.2025. In this case, two Block Development Officers and private individuals are facing trial. In the charge sheet, statement of 17 witnesses and 36 documents annexed. The points raised by the petitioner are factual in nature and to be decided during trial.

6.Considering the submissions made on either side and on perusal of the materials, it is not in dispute that the petitioner was allotted work in 6 places, he also executed the same and amount also credited. The Executive



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Engineer conducted super check and during the super check, huge variation of amount received and work executed found. Further it is the case of conspiracy and abetment with the public servant/BDO. Statement of witnesses confirms the role played by the petitioner along with other accused. Now investigation completed, charge sheet filed. The points raised by the petitioner are factual in nature, which are to be decided during trial. In view of the same, this Court is not inclined to entertain this petition.

7.Hence, the Criminal Original Petition stands dismissed. It is made clear that the observations made herein are only to the limited purpose of deciding the above petition. The petitioner is at liberty to raise all the points during trial. Consequently, the connected Criminal Miscellaneous Petition is closed.

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Index : Yes/No
Internet : Yes/No
Speaking order/Non-speaking order
Neutral citation: Yes/No
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To

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- 1.The Inspector of Police,
Vigilance and Anti-Corruption,
Dharmapuri.
- 2.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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