



Crl.O.P.Nos.23700, 23877 & 23880 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2025

CORAM:

THE HONOURABLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.O.P.Nos.23700, 23877 & 23880 of 2024
and
Crl.M.P.Nos.13413, 13419 & 13477 of 2024

C.Veerapathiran

...Petitioner/A19
in Crl.O.P.No.23700 of 2024

R.Tamilselvan

...Petitioner/A9
in Crl.O.P.No.23877 of 2024

N.Nirmalraj

...Petitioner/A10
in Crl.O.P.No.23880 of 2024

-Vs-

The State represented by
The Deputy Superintendent of Police,
Vigilance and Anti Corruption,
Tiruvannamalai District.
(Crime No.08 of 2024)

...Respondent/Complainant
in all Crl.O.Ps'

Common Prayer: Criminal Original Petitions filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita 2013, to call for the records in Crime No.08 of 2024 pending on the file of the Deputy Superintendent of Police, Vigilance and Anti Corruption, Tiruvannamalai, the respondent herein and quash the same and pass such further orders.



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For Petitioner : Mr.K.Sathish
(in Crl.O.P.No.23700 of 2024)

For Petitioner : Mr.P.V.Balasubramanian,
Senior Counsel
(in Crl.O.P.Nos.23877 & 23880 of 2024)

For Respondent : A.Gokulakrishnan,
Additional Public Prosecutor
(in all Crl.O.Ps')

COMMON ORDER

All these three criminal original petitions are connected to each other, and as such are taken up and disposed of by this common order.

2. In all these petitions, the petitioners, namely, R.Tamilselvan (A9), N.Niralraj (A10) and C.Veerapathiran (A19), are praying to call for the records in respect of the FIR report in Crime No.08 of 2024 pending on the file of the Deputy Superintendent of Police, Vigilance and Anti-Corruption, Tiruvannamalai, and to quash the same.

3. Heard Mr.P.V.Balasubramanian, learned senior counsel appearing on behalf of the petitioners.

4. Learned senior counsel would submit that the entire allegation



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relates to the identification of the beneficiaries under the Prime Minister's

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Housing Scheme, whereby a subsidiary amount is released to the beneficiaries state-wise. The beneficiaries built a house, and the duty of the Assistant Engineer is to check up on whether the construction has come up to the lintel level and thereafter whether the construction is completed. Thus the duty of the Assistant Engineer/Junior Engineer is to visit the construction and to report the stage of the construction so that the appropriate installment be remitted to the beneficiary. Therefore, they have absolutely no role to play in the identification of the beneficiary. In this case, the allegation is that while identifying the beneficiary from the list of Socio Economic and Caste Census (SECC) 2011, some of the beneficiaries who have been released the payment does not match with the list. Some of them name alone match, and the father's name is different and therefore the authorities have misused the same, is the allegation. In the whole episode it can be seen that there is no role for the Assistant Engineer or the Overseer to play. When the Overseer goes to the site, the concerned person comes forward and stands before the site, which photograph is taken and accordingly the file is signed. The Overseer had no occasion to verify the passbook details or the other KYC documents which were submitted for the purpose of release of the funds, which is verified only in the Deputy BDO's office and uploaded in the AWAS portal. Therefore,



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when these are the authorities who are making the field inspection as per the

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file, and in the file the correct name of the beneficiary is only written, and the particular person is coming forward and standing as the beneficiary. Accordingly, the photograph is taken, the construction is verified, and it is reported in the file. Therefore, in the absence of any other material by the prosecution to implicate these persons as having any dishonest intention or having received any pecuniary benefit, merely because all these persons are officials who had some role to play, instead of arraying them as witnesses, have wrongly been arrayed as accused.

5. As a matter of fact, when yet another accused who is similarly placed approached this Court, this Court observed that the Investigating Officer had only spread the net wide and thereafter tried to fish without any materials, and on that ground directed the Investigating Officer to remove the name of the particular accused, and if only any further material is gained to the course of the investigation thereafter, liberty is given to once again include the name of the official. The same process can be undertaken in respect of the present petitioners also.

6. Per contra, the learned Additional Public Prosecutor would submit



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that the State Government was given the role to fix the criteria. The State Government decided to go as per the Socio Economic and Caste Census (SECC) 2011, which is based on various parameters such as social status, economic status etc., and when the beneficiaries are identified, only those from the list can alone be granted the subsidy. The list has to be verified by these field officials, and if they find that they are not socially backward or that their circumstances changed in their subsequent employment, etc., the application has to be disallowed. Only the rightful beneficiaries alone should be identified. In this case, in the files where wrongful payments made, and these three petitioners have signed as the Overseer as well as the Assistant Engineer. Therefore, *prima facie*, there is material that they are involved in the transaction. For the registration of the FIR, the mere fact that some other name is there in the bank account details and some other person and name is there in the file is enough, and whether there is further complicity or not will be unearthed in the process of investigation.

7. I considered the rival submissions that are made and perused the entire record.

8. As rightly pointed out by the learned Additional Public Prosecutor,



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when the concerned files with the dubious entries have been signed by the particular Overseer as well as the Assistant Engineer, it cannot be said that there is no material at all even to register a First Information Report. As far as the connected accused is concerned, the Court has also undertaken an exercise to find out that there is absolutely no material in respect of that accused, and only in that context has held that the net cannot be spread wide and thereafter materials cannot be collected. Even with reference to that accused liberty is given to the Investigating Officer to add him once again if they find material/complicity in the offense. Only after registering the case against the individual, the Investigating Officer can investigate. Therefore, accordingly, I find no fault on the part of the prosecution, including the names of these petitioners in the First Information Report and proceeding with the investigation.

9. All the arguments that they had no knowledge, no complicity can be placed before the Investigating Authority, who will dispassionately consider all the materials before laying a final report, and it is for the Investigating Authority to find out whether there is any complicity of these officials also, and at this stage, we don't even know what are the exact nature of the transactions. For example, in one file that is submitted as an illustration, it



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can be seen in the approved SECC list, the name of the beneficiary is Muthan

Kannan, meaning Muthan son of Kannan, which is clarified in the next entry also. While the entire file is made ready in the same name, Muthan Kannan, on all stages, in the bank account details alone one Muthan son of Periyapaiyan is mentioned, and his Aadhaar card and bank account given. From the KYC documents, photographs, an aged person born in the year 1950 is mentioned. However, a young person is made to stand in the photograph that is affixed in the file.

10. The prosecution is yet to ascertain whether that person standing in the photograph is at least Muthan son of Kannan and whether the construction is made in a particular survey number, if so belonging to which person, what is the complicity in respect of each of the accused, etc. Therefore, this is not the stage in which the Court should interfere, and it is for the prosecution to proceed with the investigation as expeditiously as possible and file a final report. It is seen that the FIR is registered in the year 2024, and expeditious steps are to be taken by the Investigating Authority to proceed further.

11. With the above observations, finding no merits, these criminal



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original petitions stand dismissed. Consequently, connected miscellaneous petitions are closed.

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Speaking/Order

To

1.The Deputy Superintendent of Police,

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Vigilance and Anti Corruption,
Tiruvannamalai District.

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2.The Public Prosecutor,
Madras High Court.

D.BHARATHA CHAKRAVARTHY, J.,

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