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Crl.O.P.No.30102 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.O.P.No.30102 of 2024

and

Crl.M.P.No.16989 of 2024

M.Raja

.. Petitioner

Versus

The State, Represented by,
the Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Krishnagiri.
(Crime No.6/AC/2019)

.. Respondent

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to call for the records in Spl.C.C.No.2 of 2024, dated 21.10.2024 on the file of the Special Judge and Chief Judicial Magistrate, Krishnagiri and quash the same.

For Petitioner

: Mr.R.Harikrishnan

For Respondent

: Mr.S.Udayakumar

Government Advocate (Crl.side)



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ORDER

The petitioner is arrayed as sole accused in Spl.C.C.No.02 of 2024 on the file of the Chief Judicial Magistrate, Krishnagiri Cum Special Judge, Krishnagiri under the Prevention of Corruption Act, 1988.

2. The case of the prosecution is that the petitioner who was appointed as an Enquiry Officer to conduct an enquiry under section 81 of the Tamil Nadu Cooperative Societies Act, 1983 had demanded bribe from the Officers and servants of the said society, who are facing the allegations against whom the enquiry was being proceeded against. It can be seen that the Secretary and the other persons have made false entries in the records of the Cooperative Society, as if loans have been disbursed to eligible members and without disbursing any loan whatsoever, have swindled and misappropriated the amounts. There are several charges of similar nature of falsification of accounts and misappropriation of the amounts. The petitioner had actually given an 81 Enquiry Report, indicting all of them and action also have been taken against them rightfully so and they are all facing a criminal case as well as Section 87



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proceedings also. The criminal case against those accused who misappropriated the sum from the Cooperative Society is said to be pending. While so, by producing the the conversation that happened between this petitioner and those servants of the Cooperative Society, who were facing the trial and criminal cases and also 81 enquiry, an allegation is made against the petitioner that during the process of the enquiry, he said to have made a demand for payment of bribe amount to him, so that he will make a favourable report exonerating them. As a matter of fact, it is the case of the prosecution that after inquiry, it is found that one of the witnesses namely Sivalingam had also paid a part sum of Rs.1,00,000/- and it is also the case of the prosecution that demand is made to the other employees also. Accordingly, finding that the petitioner has demanded and accepted bribe, this final report has been laid which is taken on file as Spl.C.C.No.02 of 2024, aggrieved by which, the present criminal original petition is filed.

3. The primary argument of the learned Counsel for the petitioner is that when the petitioner has submitted a report, categorically indicting those



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persons, the very purpose that is alleged no longer exists. The second argument is that, the very fact that the entire episode surfaced very belatedly after the High Court has taken a subsequent proceedings against those accused persons, questioning as to how they were in Office even after the allegations, would also show that the entire allegations are false. Finally, the learned Counsel placing another enquiry report under section 81 which is conducted by yet another Officer and the report being dated 06.04.2022, would submit that the depositions of the very same servants of the Cooperative Society has been recorded in the said 81 enquiry. The said report is an unimpeachable document and in any event, petitioner has no role to play. In the said enquiry report which is accepted by the department, the very same Officials who have made the charge against the petitioner, as if the petitioner had demanded bribe, had given a contrary version by which they have stated that the amount that is paid by the Sivalingam was paid towards the amount due to the society. They have now categorically stated that this petitioner has not demanded any bribe amount and therefore, when the prosecution case has fallen flat even before the commencement of trial and on the basis of the unimpeachable document, this court should quash the proceedings.



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4. I have considered the said submissions made by the learned Counsel for the petitioner and the arguments that were made by the Government Advocate (Crl.Side), who primarily relied upon the transcripts of the various telephonic conversations that are recorded in the case.

5. These are Cooperative Societies staff who had originally given statements supporting the prosecution case. They themselves are facing criminal case and therefore, their statements are quite unreliable. I can appreciate the argument of the learned Counsel for the petitioner, if the prosecution solely rests on the statements given by the said servants / Officer of the Cooperative Society. Apart from their statements, there are telephonic conversations which are recorded and produced as a material. Therefore, when there are other materials also against the petitioner, it is for the petitioner to disprove the contents and also place such arguments before the trial Court that those contents are not enough to prosecute him and the statements that are made in the first 81 enquiry report or the second 81 enquiry report or that is given under 161 before the Investigating Officer, which of the statement is found to be true and correct are all matters for



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trial. Therefore, at this stage itself, conclusion one way or the other cannot be drawn by this Court and the case of the petitioner cannot be accepted at the stage of the quashing of the petition. Therefore, leaving open for the petitioner to raise and agitate all these grounds before the trial court, this Criminal Original Petition stands dismissed. Connected M.P. is closed.

27.06.2025

Neutral Citation : yes/no
veda
To

1. The Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Krishnagiri.
2. The Special Judge and Chief Judicial Magistrate,
Krishnagiri
3. The Public Prosecutor,
High Court of Madras.



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D.BHARATHA CHAKRAVARTHY, J.

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