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CRL OP No. 33335 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-12-2025

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THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 33335 of 2025

AND

CRL MP NO. 23252 OF 2025

A.Vivekanandam
S/o.Arikrishnan, No.19, Kurinji Nagar,
Annai Indira Street, Lawspet,
Puducherry-605 008.

Petitioner(s)/A1

Vs

1. The State of Tamilnadu by,
The Station House Officer,
Vigilance and Anti Corruption,
Puducherry. Cr.No.0014/2025.

2.Daynand Tendolkar
Block Development Office,
Villianur Block, Puducherry.
VAC PS (Vigilance and Anti
Corruption), Puducherry.

Respondent(s)

CRL MP No. 23252 of 2025

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S/o.Arikrishnan, No.19, Kurinji Nagar,
Annai Indira Street, Lawspet,
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2.Daynand Tendolkar
Block Development Office, Villanur
Block, Puducherry. VAC PS (Vigilance
and Anti Corruption), Puducherry.

Respondent(s)

PRAYER: Criminal Original Petition filed under Section 528 of BNSS praying to call for records pertaining to Crime No.0014 of 2025 dated 29.09.2025 on the file of the respondent police and quash the same.

For Petitioner(s): Mr.M.Gnanasekar

For Respondent-1: Mr.M.V.Ramachandramurthy
Public Prosecutor (Puducherry)

ORDER

The petitioner/A1 in Crime No.14 of 2025 being investigated by the respondent had filed this quash petition.

2.The contention of the learned counsel for petitioner is that on the complaint of Block Development Officer, Villianur on 29.09.2025, the above case was registered. Earlier on the complaint made by the Superintendent of Police, Vigilance and Anti-Corruption, Puducherry, charge memo issued against the petitioner and the petitioner was facing departmental enquiry in the year 2022. The petitioner already submitted his explanation on 11.07.2022 denying



the charges and in respect of the same allegations, now the Block Development Officer, Villianur had given a complaint to the respondent-police and a case in Crime No.14 of 2025 registered for offence under Sections 109, 201, 420, 468, 477-A of I.P.C. r/w 34 of I.P.C. and Sections 13(1)(a) r/w 13(2) of the Prevention of Corruption Act, 1988. The alleged date of occurrence is in the year 2022 and the complaint was given with a delay of three years, i.e., on 29.09.2025. The petitioner not received any money or cheated any one as alleged in the complaint. The petitioner not sanctioned a cheque in favour of the beneficiaries/fabricators, hence the complaint of de-facto complainant is false. Further the de-facto complainant is the only authority to sanction and issue the cheque amount to the beneficiaries/fabricators. To escape from the misdeeds committed by the de-facto complainant, a false complaint lodged against the petitioner.

3.He further submitted that the petitioner is a Junior Engineer attached to Block Development Office, Ariyankuppam, Puducherry and project implemented during 16.12.2016 to 16.06.2021. Earlier charge memo was on 07.07.2023 and the petitioner is facing departmental enquiry. After the petitioner's reply, no further progress in the departmental enquiry. On the other hand, with the same charges identical to the departmental enquiry present complaint lodged. The petitioner in execution of Swachh Bharath Mission



(Gramin) Scheme is only to ensure that the toilets in the villages are properly constructed and thereafter it is for the Block Development Officer to release the amount. It is the Panchayat Level Federation official, who have to oversee the constructions and identify the Contractors/beneficiaries and release the amount. As regards the petitioner, the petitioner to oversee the fabrication work done by the fabricators and the amount is released by Panchayat Level Federation. The petitioner has no financial power to handle the money at any point of time and there is no intention to show that there was any meeting of minds or conspiracy or petitioner abetted the other named persons in the F.I.R. Hence, prayed for quashing of the F.I.R.

4.The learned Public Prosecutor (Puducherry) field his counter and submitted that the Block Development Officer, Villiyanur submitted a complaint giving details about cheating, falsification and destruction of records and committing misconduct in the public fund by the petitioner in collusion with the other accused. The scheme namely, Swachh Bharath Mission (Gramin) Scheme is one of the centrally sponsored schemes implemented by District Rural Development Agency, Puducherry in order to accelerate the efforts to achieve universal sanitation coverage and to ensure there is Open Defecation Free (ODF) status and to promote sustainable sanitation practices.



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5. He further submitted that Swachh Bharat Mission (Gramin) Apex Committee was constituted under the Chairmanship of the Chief Secretary for the implementation of SBM (G) in Puducherry vide G.O.Ms.No.4 dated 11.06.2015 of Chief Secretariat (Rural Development), Puducherry. The Block Development Office, Villianur, Karaikal and Ariyankuppam were entrusted with the task of implementing SBM(G) in convergence with Chief Minister's Sanitation Scheme implementing blocks similar to other CSS schemes being implemented. As an incentive under SBM(G), an amount of Rs.20,000/- is given to the beneficiaries in such a way that Rs.12,000/- is paid from SBM(G) and Rs.8,000/- from Chief Minister's Sanitation Scheme (CMSS) as per the decision taken in the meeting of the Cabinet held on 04.10.2016 in three instalments through Direct Beneficiaries Transfer (DBT) system. The incentive of Rs.20,000/- will be released as detailed below:

Description of item	Government of India share	Government of Puducherry share	Total
Digging of foundation pit - 1 st instalment	Rs.7,000/-	Rs.3,000/-	Rs.10,000/-
Lintel level - 2 nd instalment	0	Rs.5,000/-	Rs.5,000/-
Completion - 3 rd instalment	Rs.5,000/-	0	Rs.5,000/-
Total	Rs.12,000/-	Rs.8,000/-	Rs.20,000/-



6.He further submitted that Central Government released an amount of Rs.56,40,00,000/- as Grant in aid (Central) to Puducherry for the implementation of SBM(G) Phase-1 for the period from 2015-16 to 2018-19. Government of Puducherry availed loan from NABARD for an amount of Rs.22,74,57,000/- as State share for the period between 2017-18 to 2020-2021. However, no separate section or cell was constituted for monitoring the SBM(G).

7.He further submitted that a Standard Operating Procedure (SOP) for the construction of toilet under IHHL under SBM(G) issued. Similarly, another SOP issued for the construction of toilets for Panchayat Level Federation assistance under SBM(G). Initially, the objective was to construct 46,164 individual toilets in rural areas but later based on the two baseline surveys conducted, it has come down to 27,121 comprising all the three blocks. As per the SOP, the applications received from the beneficiaries will be subjected to field verification by the Work Inspector/Junior Engineer followed by MIS portal verification and thereafter the work order will be issued to the beneficiaries with the approval of DRDA, Puducherry. On receipt of the work order, the beneficiaries should commence the work and after verification of such works Fund Transfer Order shall be given through portal for release of funds.



8.He further submitted that the petitioner with the common intention and object to cheat the public funds, had instructed A2, who is employed as Software Application Support, to make necessary entries in the software and also ensure that amount are released to the contractors/beneficiaries. The fabrication contractors are A3 to A9, out of them, A3 and A5 are fictitious persons, no such fabricator existed but amounts paid to them in total is Rs.23,10,000/-, the details of which reads as follows:

Sl. No.	Name of the Fabricator/NGO	Construction of toilets pending/not yet started	Amount of advance released
1.	S.Simeon	43	Rs.7,80,000/-
2.	P.Gurusamy	6	Rs.1,20,000/-
3.	A.Arokiyasamy	27	Rs.4,40,000/-
4.	Mahalakshmi	10	Rs.1,00,000/-
5.	Dhandapani	49	Rs.4,90,000/-
6.	Balaraman	18	Rs.3,60,000/-
7.	Pongodi	2	Rs.20,000/-
	Total	155	Rs.23,10,000/-

The public funds received through these persons and despite receipt of the amount, either fabrication works are incomplete or there is no fabrication work. Thus, the Centrally Sponsored Scheme and the State contribution both were swindled by the petitioner and other accused.

9.He further submitted that the petitioner filed an anticipatory petition in CrI.O.P.No.28754 of 2025 and this Court by an order dated 03.11.2025,



11. In view of the above, this Court is not inclined to entertain this petition and the Criminal Original Petition stands dismissed. Consequently, the connected Criminal Miscellaneous Petition is closed.

15-12-2025

rsi

Index: Yes/No

Speaking / Non-speaking order

Neutral citation : Yes/No

To

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Vigilance and Anti Corruption,
Puducherry.

2. The Public Prosecutor,
Puducherry.



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M. NIRMAL KUMAR, J.

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