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CrI.O.P.(MD)No.13011 of 2025

THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.08.2025

CORAM:

THE HONOURABLE DR JUSTICE R.N.MANJULA

CrI.O.P(MD).No.13011 of 2025
and CrI.M.P(MD).Nos.10217 and 10218 of 2025

Ramakrishnan

... Petitioner /Accused

Vs

1.State of Tamil Nadu

rep., by the Inspector of Police,

Vigilance and Anti-Corruption,

Madurai District.

... 1st Respondent/ Complainant

Now, transferred to the Deputy Superintendent of Police,

Vigilance and Anti Corruption,

Theni District. In Crime NO.3 of 2002

2.K.Srinivasagam

... 2nd Respondent/

Defacto complainant

PRAYER: Petition filed under Section 528 of BNSS, 2023 to call for the records relating to Spl.Case.No.12 of 2014 pending on the file of the Chief Judicial Magistrate, Theni and quash the same as against the petitioner.

For Petitioner : Mr.M.Karunanithi

For Respondents : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor (for R1)



ORDER

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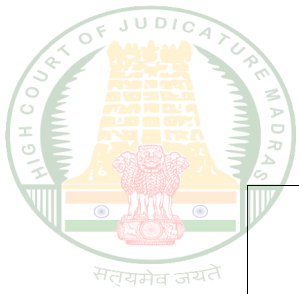
This Criminal Original Petition has been filed by the petitioner/A2 to quash the proceedings in Spl.Case.No.12 of 2014 pending on the file of the Chief Judicial Magistrate, Theni, as against him.

2. When the matter was taken up for hearing on 06.08.2025, this Court passed the following order:

“This Criminal Original Petition has been filed by the 2nd accused, who has been charged for the offences under Sections 120(B), 467, 468, 471, 167, 477-A, 420 IPC r/w 511 IPC and 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988.

2. Today, when the matter is called there is no representation by the learned counsel on record. Only a representative counsel by name Mr.K.Kannan has sought time saying that the counsel on record is not available.

3. The learned Additional Public Prosecutor submitted that this is the third petition filed for seeking to quash the charges, despite the fact that on earlier two occasions, such original petitions filed by the petitioner, have been dismissed. The details have been given as under:



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<i>Previous Petitions filed by the petitioner before Hon'ble Madurai Bench of Madras High Court</i>	<i>1)The petitioner already filed quash application in the year 2010 in Crl.O.P(MD) No.3480 of 2010 and the same was withdrawn dismissed on 06.07.2015.</i> <i>2)After lapse of seven years again the petitioner filed another quash petition in the year 2022 in Crl.O.P(MD) No. 7005 of 2022 and the same was dismissed by Hon'ble High Court of Madurai Bench on 04.07.2023.</i>
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4.It seems that the first application filed by the petitioner in Crl.O.P(MD) No.3480 of 2010 has been dismissed as withdrawn on 06.07.2015. Then after 7 years, the petitioner has filed another quash petition in Crl.O.P(MD) No.7005 of 2022 and the same was dismissed on 04.07.2023 for default.

5.Now the third application has been filed after a lapse of 3 years and now also when the matter has been listed under the caption 'for admission', there is no representation for the petitioner. The conduct of the petitioner appears that he is in the habit of filing repeated petitions to quash the charges just for the purpose of delaying the proceedings.

6.List the matter on 07.08.2025.”



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3. Today i.e., on 07.08.2025, when the matter came up for hearing, the learned counsel for the petitioner submitted that despite the charge sheet has been filed in the year 2006. there has been no progress in the case for nearly 20 years. The petitioner/ second accused is now 84 years old and there is still no sign to show that the case might reach trial in the near future. It was further submitted that on the same set of allegations, departmental proceedings were initiated against the petitioner, but the Government has since issued an order annulling those charges. Therefore, it is contended that subjecting the petitioner to a criminal trial at this stage would serve no useful purpose and would merely result in a waste of judicial time.

4. The learned Additional Public Prosecutor submitted that the charges could not be framed in this case due to the prolonged absconding of the fifth accused. He further submitted that the petitioner has already filed a petition to quash the charge sheet in Crl.O.P(MD).No.7005 of 2023, which was dismissed for default. Now, after a lapse of three years, the petitioner has once again filed the present criminal original petition, which, according to the prosecution, is devoid of any merits.



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5. During the period between January-1996 and September-1997, the accused Nos.1 to 3 were holding the post as the District Tuberculosis Officer, District Tuberculosis Centre, Madurai at Periyakulam, the Joint Director of Health Services, Madurai at Periakulam and Pharmacist attached to the District Tuberculosis Centre, Periakulam, respectively. During their employment as public servants, they entered in a criminal conspiracy with A4 and A5, who are private individuals and Proprietors of Jain Antibiotics Private Limited, Chennai, by preparing false bills and making false accounts by using bogus documents as genuine in order to get pecuniary advantages for themselves and committed the offences punishable under Sections 120(B), 467, 468, 471, 167, 477(A) and 420 IPC and 409 IPC r/w Section 511 IPC and Section 13(2) r/w 13(1)(c) and (d) of Prevention of Corruption Act, 1988, r/w Section 511 of IPC.

6. The petitioner, who was serving as the Joint Director of Health Services during the relevant point of time, was the signing authority for all the alleged bills and vouchers. The statements of the witnesses have been obtained, wherein L.W.13 has stated in his statement that he is the Manager of Senthil Ganapathy Medical Agencies at Madurai and their agencies have got the licence for selling Rifamycin syrup for wholesale. According to his statement, the Rifamycin syrup used to come in 200ml bottles and they had



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never supplied Rifamycin syrup in 100ml bottles. In the statement of a witness, who was maintaining the stock register in the hospital, he has stated that he had received the bottles of 100ml Rifamycin syrup and made entries for the same in the stock register on 31.08.1996. When the dealer himself has stated that the Rifamycin syrup will not come in 100ml bottles, the official, who was maintaining the stock register, has stated in his evidence that he has made entries as if 100ml Rifamycin syrup were supplied. As the petitioner is said to have signed those registers in his capacity as Joint Director of Health Services, there are *prima facie* materials available against him to frame charges as alleged against him.

7. No doubt, so far, charges have not yet been framed against the accused. Such inordinate delay undermines the interests of both the accused and the prosecution. The right to a speedy trial is an essential facet of a fair trial, and in the present case, it appears to have been effectively denied to the petitioner. In such circumstances, and based on the materials now available on record, this Court can only make observations to the effect that the trial Court shall split up the case as against A5, who has been absconding for a prolonged period and shall proceed further and dispose of the case in Spl.Case.No.12 of 2014 expeditiously, taking into account of the age of the petitioner, who is a senior octogenarian.



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8. With the above observations, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petitions are closed.

07.08.2025

NCC :Yes/No

Index:Yes/No

Rmk

To

1.The Chief Judicial Magistrate, Theni.

2.The Deputy Superintendent of Police,
Vigilance and Anti Corruption,
Theni District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R.N.MANJULA. J.

Rmk

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