



WEB COPY



Crl.O.P.(MD) No.15974 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on	31.10.2025
Pronounced on	13.11.2025

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD) No.15974 of 2025

and

Crl.M.P.(MD) Nos.13029 & 13032 of 2025

K.A.Gurusekar

... Petitioner

Vs.

1.The Inspector of Police,
Commercial Crime Investigation Wing,
Sivagangai District,
Sivagangai.
(Crime No.1 of 2019)

2.Venkatesan,
The Deputy Registrar of Co-operative Socieites,
Sivagangai,
Sivagangai District.

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of Bharathiya Nagarik Suraksha Sanhita, 2023 to call for the records pertaining to the charge sheet in C.C.No.228 of 2025 on the file of the learned Judicial Magistrate No.II, Sivagangai, Sivagangai District and quash the same.

For Petitioner : Mr.B.Saravanan, Senior Counsel
for Mr.C.Jeganathan



Crl.O.P.(MD) No.15974 of 2025

For R1

: Mr.K.Sanjai Gandhi
Government Advocate (Criminal Side)

ORDER

This Criminal Original Petition has been filed seeking to quash the final report in C.C.No.228 of 2025 on the file of the learned Judicial Magistrate No.II, Sivagangai, Sivagangai District, filed against the petitioner/A5 for the offences punishable under Sections 408, 409, 420, 467, 468, 471, 477(A) and 109 of the Indian Penal Code, 1860.

2. The petitioner is arrayed as A5. It is alleged in the final report that the petitioner along with others had committed various irregularities, created fabricated documents and had sanctioned crop insurance amount to persons who do not own lands. The petitioner is said to have committed misappropriation to the tune of Rs.1,89,451/- towards paddy insurance and Rs.3,85,500/- towards chilli insurance in the name of his relatives and had permitted misappropriation of a sum of Rs.15,29,600/- by the other accused, and thus committed the aforesaid offences.

3. Mr.B.Saravanan, learned counsel for the petitioner, submitted that an enquiry was conducted under Section 81 of the Tamil Nadu Co-



Crl.O.P.(MD) No.15974 of 2025

operative Societies Act, 1983 [hereinafter referred to as “the Act”]; that criminal action was recommended by the Enquiry Officer; that no surcharge proceedings were directed to be taken against the petitioner; that, therefore, since no surcharge proceedings have been initiated against the petitioner, there is no loss caused to the Government on account of the petitioner’s act; that the disciplinary proceedings against the petitioner were dropped, since the disciplinary authority found that the charges levelled against the petitioner were not proved; and that, since the allegations have not been proved even in the disciplinary proceedings, where the standard of proof is preponderance of probability, the impugned prosecution cannot be sustained, as a higher standard of proof is required to prove the guilt of the petitioner.

4. Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) for the first respondent, *per contra*, submitted that though the standard of proof in disciplinary proceedings and in a criminal court are different, the respondents have collected evidence to show that the petitioner had created documents and produced fabricated *Adangals* to make it appear that his relatives owned lands and had suffered crop damage, and that insurance amounts were sanctioned to those persons;



Crl.O.P.(MD) No.15974 of 2025

and that the statements of witnesses cited by the prosecution would substantiate the said allegations and referred to those statements.

5. It is not in dispute that the petitioner had been exonerated in the disciplinary proceedings. The Deputy Registrar, Sivagangai, by order dated 13.12.2019, had dropped the disciplinary action. However, it is seen that the prosecution has examined witnesses to show that the petitioner had produced fabricated '*Adangal Certificates*' to make it appear that his relatives owned lands and had suffered crop damage. The petitioner had sanctioned a total sum of Rs.1,89,451/- towards insurance for paddy crops and Rs.3,85,500/- towards insurance for chilly crops.

6. This Court, at this stage, cannot hold that the witnesses cannot be believed. Although the petitioner has been exonerated in the disciplinary proceedings, it is for the trial Court to consider the defences raised by the petitioner and decide whether the witnesses can be believed. Hence, this Court is not inclined to quash the final report. Accordingly, this Criminal Original Petition is liable to be dismissed.



Crl.O.P.(MD) No.15974 of 2025

7. Accordingly, this Criminal Original Petition is dismissed with

liberty to the petitioner to raise all points before the trial Court.

Consequently, the connected Miscellaneous Petitions are closed.

13.11.2025

JEN

Index: Yes/ No

Neutral Citation: Yes / No

Speaking Order/Non Speaking Order

Copy To:

- 1.The Judicial Magistrate No.II,
Sivagangai, Sivagangai District.
- 2.The Inspector of Police,
Commercial Crime Investigation Wing,
Sivagangai District,
Sivagangai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD) No.15974 of 2025

SUNDER MOHAN, J.

JEN

Pre-Delivery Order made
in
Crl.O.P.(MD) No.15974 of 2025

13.11.2025