



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-06-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 2245 of 2017

1. S.Murali Mohan, (A1),
S/o.Late.S.Radha Krishna Murthy, Aged 48
Years, Residing At No.28/55, Iyyamperumal
Street, Balaji Nagar, Royapettah, Chennai-600
014.
2. Sri Kala, (A-2), Aged 42 Years
W/o.S.Murali Mohan, Residing At No.28/55,
Iyyamperumal Street, Balaji Nagar, Royapettah,
Chennai-600 014.

..Petitioner(s)

Vs

State By,
SP/inspector Of Police,
CBI/acb/chennai

..Respondent(s)

PRAYER : Petition filed under Section 482 of Cr.P.C to call for the records in the F.I.R.No.RC MA 1 2016 A 0045 on the file of the SP/Inspector of Police, CBI, ACB, Chennai for the perusal of this Honourable Court and Quash the same

For Petitioner(s):

M/s.R.Ashwin-ms/1758/2017
M/s.V.Susila for 1st Petitioner

M/s.S.Sudhanthiran Counsel For 2nd Petitioner
Additional Written Submissions P1

For Respondent(s):

Mr.K.Srinivasan
Special Public Prosecutor For Cbi Cases



ORDER

WEB COPY

This petition has been filed to quash the F.I.R.No.RC MA 1 2016 A 0045 on the file of the SP/Inspector of Police, CBI, ACB, Chennai.

2. This Court on 03.07.2025 has passed the following order:

The prayer in this criminal original petition is to quash the FIR in RC MA1 2016 A 0045.

2. Heard Mr. A. Ramesh, the learned Senior Counsel appearing for the first petitioner, Mr. K. Suresh Babu, the learned Counsel representing the second petitioner, and Mr. K. Srinivasan, the learned Special Public Prosecutor appearing on behalf of the respondent.

3. Upon hearing the learned Counsel appearing on either side and reviewing the material records of the case, it can be seen that another case was initially registered against the first petitioner S.Murali Mohan and others in RC-A19 of 2016.

4. When the investigation in that case was initiated, the prosecution came across information that the first petitioner, S. Murali Mohan, possessed assets disproportionate to his known sources of income. Consequently, the present case in FIR No. RC MA1 2016 A 0045 was registered, and an investigation commenced. At that stage, applications were filed before this Court to quash both FIRs. The petitions were entertained and ultimately, by orders issued, both FIRs were quashed by this Court. These orders were not uploaded in the High Court's website/judgment portal before the date of superannuation of the learned Judge and



WEB COPY

were uploaded only after his retirement. Of the two cases, in respect of the first case in RC-A19 of 2016, even otherwise, the matter was concluded as 'mistake of fact' and as such was not taken up any further. However, the prosecution appealed to the Hon'ble Supreme Court of India, as against the Order passed in the instant case. By its judgment in Criminal Appeal No. 4166 of 2024, the Hon'ble Supreme Court of India found impropriety in the entire episode. The Honourable Supreme Court of India was pleased to allow the appeal and restore this criminal original petition, which is why the petition is now before this Court for hearing.

5. In the present case, when it was brought before this Court for hearing after remand, a detailed order was passed on January 3, 2025. In that order, it was found that the petitioners have also prepared statements A, B, C & D by compiling all the details concerning the disproportionate assets. The learned Senior Counsel representing the first petitioner submitted that the details include unimpeachable documents such as income tax returns, which were filed well before the incident occurred, and prima facie uncontestable materials were presented to the prosecution. After discovering that the petitioner himself had organised the entire details, this Court issued the following directions to the respondent by an order dated 03.01.2025, that is reproduced below for easy reference:

"It is in this circumstances, this Court directs the respondent as below:

(a) To go through every statements which the petitioners have produced in this case and to invite the petitioners on summons to explain their statements along with a qualified



Chartered Accountants.

(b) The entire exercise shall be concluded with a period of three months from the date on which a copy of this order is issued.”

6. After that, when the matter was scheduled for hearing, a compliance report was filed by the prosecution on 24.04.2025. The crux of the report is that the materials presented by the petitioners are insufficient for immediate acceptance oand dropping of the case but the prosecution has to further investigate regarding these facts to come to a definite conclusion.

7. It is in this background, the matter is heard today. Firstly, the observations made by the Honourable Supreme Court of India in the judgment by which this case was remanded have to be taken into account. In the penultimate paragraph, the Honourable Supreme Court of India recorded the following, which is extracted here for easy reference: Crl.O.P.No.2245 of 2017 “As the restored petition is of the year 2017, it will be open for both the parties to place on record the subsequent events on the date fixed for appearance.”

8. In that view of the matter, considering that the case is from 2016, the order passed by the Honourable Supreme Court of India, and the earlier order passed by my predecessor, I believe that the petition to quash the FIR cannot be decided solely on the basis as to whether there is some material to proceed. However, I must also examine whether the new materials submitted by the parties and the conclusions reached by the prosecution are prima facie in accordance with the law to justify further action against



WEB COPY



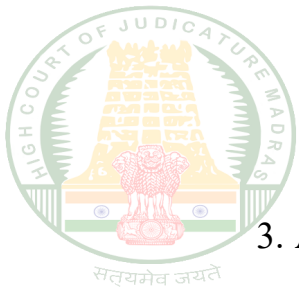
the petitioner. Furthermore, if after investigation the prosecution concludes to lay a final report proposing the petitioner as guilty of the offence, I must consider the prima facie correctness of such conclusion. To that extent, this case can be treated differently in light of the earlier orders passed in the matter.

9. In light of this, an opportunity should be given to the Investigating Officer to objectively review the materials provided by the petitioner, conclude the investigation, and submit the outcome/draft chargesheet to this Court. This Court will examine the materials submitted by the petitioner and the findings of the Investigating Officer to determine whether the conclusion made by the Investigating Officer on a prima facie assessment is correct. It is clarified that if the Investigating Officer agrees with the various arguments made by the accused and decides that the case should not proceed further, they are free to do so or, alternatively, to submit the draft final report after completing the investigation.

10. The learned Senior Counsel appearing on behalf of the prosecution submitted that when the matter was pending before the Hon'ble Supreme Court, there was no occasion for the prosecution to complete the investigation, and only now does each and every item need to be investigated in detail. In any event, the inquiry has already progressed and several details have already been recorded. I am of the view that the investigation can be completed within four months from today, and the outcome should be placed before this Court.

11. Needless to mention that this Court will also consider all other grounds available to the parties for challenging the FIR while finally deciding the matter

12. Call this matter for filing of the report on 04.11.2025



3. Accordingly, the Deputy Superintendent of Police, CBI/ACB/Chennai has filed draft final report before this Court.

4. On perusal of the draft final report filed before this Court, there are clinching evidence to prosecute the accused for the offences under Sections 13(2) read with Section 13(1)(e) of the PC Act, 1988. At this stage, FIR cannot be quashed. Hence, this Criminal Original Petition is dismissed. However, petitioners are at liberty to challenge the charge sheet in accordance with law. The respondent is directed to file the final report within a period of two weeks from the date of receipt of copy of this order.

17-06-2026

SMA

To

1.SP/inspector Of Police,
CBI/acb/chennai

2. The Public Prosecutor,
Madras High Court.



WEB COPY

CRL OP No. 2245 of 2



G.K.ILANTHIRAIYAN, J.

SMA

CRL OP No. 2245 of 2017

17-06-2026