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CRL OP No. 9244 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-06-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

**CRL OP No. 9244 of 2026 &
Crl.M.P.No.6508 of 2026**

Dr.S.Girija
W/o. Arivazhagan,
3/241, Nalvar Nagar,
Coimbatore North,
Bharathiyar University,
Coimbatore North,
Coimbatore 641 046,

..Petitioner(s)

Vs

1. The Deputy Superintendent of Police
Deputy Superintendent of Police,
Department of Vigilance and Anti-Corruption,
Tirupur. (Crime No.16/2021/AC/CV)
2. The Inspector of Police
B5-Vadavalli Police Station,
Vadavalli, Coimbatore.

..Respondent(s)

Prayer: Criminal Original Petition filed under Section 528 of Bharathiya Nagarik Suraksha Sanhita to call for the records pertaining to the FIR No.16 of 2021 on the file of the 1st respondent and quash the same.

For Petitioner(s):

Mr.A. Mohamed Ismail

For Respondent(s):

Mr.R.Ganesh Kumar
Counsel for Government of Tamilnadu
(Crl.Side)



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ORDER

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This Criminal Original Petition has been filed to quash the FIR in Crime No.16/2021/AC/CV registered for the offences under Sections 120(b), 109 of IPC, Sections 7 and 13(2) read with 13(1)(d) of Prevention of Corruption Act on the file of the 1st respondent.

2. The case of the prosecution is that the co-accused / A.1 had connived with other accused and demanded huge amount as bribe for the purpose of awarding higher marks and to appoint them in the University for the post of Professor, Associate Professor, Assistant Professor to various departments. It is further alleged that A.1 demanded a sum of Rs.40 Lakhs from one Vinoth Kumar through A.4. The 1st respondent had suomotu registered the FIR in respect of demand of money and in receipt of bribe in Crime No.16/2021/AC/CB for offences under Sections 120(b), 109 of IPC, Sections 7 and 13(2) read with 13(1)(d) of Prevention of Corruption Act.

3. The learned counsel for the petitioner would submit that the petitioner is arrayed as A.3 and after registration of FIR, the petitioner's husband lodged a complaint before the 2nd respondent as against the said Vinothkumar alleging that he had made a false statement, as if he was demanded money by the petitioner to appoint him in the post of Associate Professor. On the said

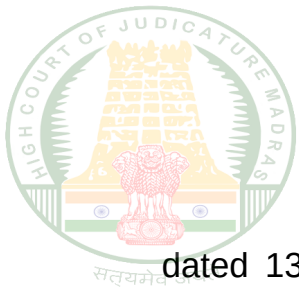


complaint, the 2nd respondent issued summons to the said Vinothkumar and conducted enquiry. During the enquiry, the said Vinothkumar submitted that he never paid any amount and he did not even know the petitioner herein and her husband. Therefore, the present FIR has been registered with false information and the petitioner has nothing to do with the alleged allegation. He further submitted that the FIR is pending from the year 2021 without any progress, thereby pleaded to quash the same.

4. The learned Government Advocate (Crl.Side) appearing for the respondents, on instructions, would submit that in the year 2016, recruitment was initiated to the post of Professor, Associate Professor, Assistant Professor in various departments of Bharathiar University. Therefore, the 1st respondent registered FIR and now the investigation is still pending.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondents and perused the available documents placed on record.

6. In fact, in the year 2024, the Professor, Associate Professor, Assistant Professor filed a Writ Petition before this Court in W.P.No.23724 of 2024 challenging the order passed by the Registrar of Bharathiar University



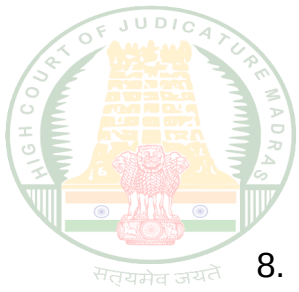
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dated 13.06.2024. In the said Writ Petition, this Court, by an order dated 28.10.2024, constituted a Committee consisting of five members from various departments of Bharathiar University to scrutinise 68 appointments made in the Bharathiar University in the year 2016 and disposed of the said Writ Petition. Further, the Scrutinising Committee is now scrutinising the appointments and it is in progress. Therefore, there is a delay in completion of investigation. Also, the statement recorded from the said Vinothkumar produced by the petitioner herein cannot be considered by this Court at this stage. Only based upon the report to be submitted by the scrutinising committee, the 1st respondent has to proceed further investigation in the present Crime no. 16 of 2021. That apart, there are specific allegations as against the petitioner to register the FIR for the offences punishable under Sections 120(b), 109 of IPC, Sections 7 and 13(2) read with 13(1)(d) of Prevention of Corruption Act.

7. The Hon'ble Supreme Court of India passed in the judgment reported in **2019 (14) SCC 350** in the case of **Sau. Kamal Shivaji Pokarnekar vs. The State of Maharashtra & ors., (Crl.A.No.255 of 2019 dated 12.02.2019)** held that the learned Magistrate while taking cognizance and summoning, is required to apply his judicial mind only with the view to taking cognizance of the offence whether a *prima facie* case has been made



out for summoning the accused person. The learned Magistrate is not required to evaluate the merits of the materials or evidence in support of the complaint, because the Magistrate must not undertake the exercise to find out whether the materials would lead to conviction or not. Only in a case where the complaint does not disclose any offence or is frivolous, vexatious or oppressive, the complaint/FIR can be taken for consideration for quashment. If the allegations set out in the complaint do not constitute the offence of which cognizance has been taken by Magistrate, it can be considered for quashment. Therefore, it is not necessary that a meticulous analysis of the case should be done before the trial to find out whether the case would end in conviction or acquittal. If it appears on a reading of the complaint and consideration of the allegations therein, in the light of the statement made on oath that the ingredients of the offence are disclosed, there would be no justification to interfere. At the initial stage of issuance of process, it is no open to the Court to stifle the proceedings by entering into the merits of the contentions made on behalf of the accused. Therefore, the criminal complaint cannot be quashed only on the ground that the allegations made therein appear to be of a civil nature. If the ingredients of the offence alleged against the accused are *prima facie* made out in the complaint, the criminal proceeding shall not be interdicted.



8. Further the Hon'ble Supreme Court of India issued directions in the judgment reported in **2021 SCC Online SC 315** in the case of **M/s.Neeharika Infrastructure Pvt. Ltd., Vs. State of Maharashtra & ors.**, as follows :-

"23.

vi) *Criminal proceedings ought not to be scuttled at the initial stage;*

vii) *Quashing of a complaint/FIR should be an exception rather than an ordinary rule;*

.....

xii) *The first information report is not an encyclopaedia which must disclose all facts and details relating to the offence reported. Therefore, when the investigation by the police is in progress, the court should not go into the merits of the allegations in the FIR. Police must be permitted to complete the investigation. It would be premature to pronounce the conclusion based on hazy facts that the complaint/FIR does not deserve to be investigated or that it amounts to abuse of process of law. After investigation, if the investigating officer finds that there is no substance in the application made by the complainant, the investigating officer may file an appropriate report/summary before the learned Magistrate which may be considered by the learned Magistrate in accordance with the known procedure;*

.....

xv) *When a prayer for quashing the FIR is made by the*



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alleged accused and the court when it exercises the power under Section 482 Cr.P.C., only has to consider whether the allegations in the FIR disclose commission of a cognizable offence or not. The court is not required to consider on merits whether or not the merits of the allegations make out a cognizable offence and the court has to permit the investigating agency/police to investigate the allegations in the FIR;”

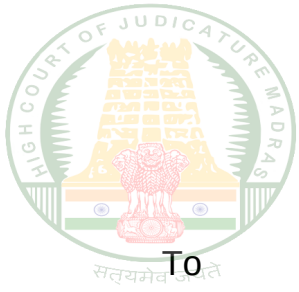
9. In view of the above discussions, this Court is not inclined to quash the First Information Report. However, considering the crime is of the year 2016, the first respondent is directed to complete the investigation in Crime No.16/2021/AC/CB within a period of six months from the date of receipt of a copy of this Order.

10. Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

02-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

ssd



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To

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1. The Deputy Superintendent of Police
Deputy Superintendent of Police,
Department of Vigilance and Anti-Corruption,
Tirupur.
(Crime No.16/2021/AC/CV)
2. The Inspector of Police
B5-Vadavalli Police Station,
Vadavalli,
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G.K.ILANTHIRAIYAN, J.

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