



WEB COPY

CRL OP No. 11414 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON: 17.04.2026

DELIVERED ON: 22.06.2026

CORAM:

THE HON'BLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Crl.O.P. No.11414 of 2025

A. Sridhar
formerly Deputy Block Development Officer (Panchayat)
Thellar Panchayat Union
Tiruvannamalai District
residing at No.131, Kalaivani Street
Gajalakshmi Nagar
Vandavasi
Tiruvannamalai District

Petitioner/A1

vs.

State represented by
the Inspector of Police
Vigilance & Anti-Corruption
Cuddalore
(Cr.No.4 of 2023)

Respondent/Complainant

Criminal Original Petition filed under Sec.528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records and quash the charge sheet in the case in Spl. C. No.5 of 2024 on the file of the Chief Judicial Magistrate-cum-Special Judge for P.C. Act Cases, Tiruvannamalai, so far as the petitioner is concerned.



WEB COPY



For petitioner

Mr. K. Shanker

For respondent

Mr. S. Udayakumar
Govt. Advocate (Crl. Side)

ORDER

This criminal original petition is filed by Sridhar (A1) seeking quashment of the case in Spl. C. No.5 of 2024 on the file of the Chief Judicial Magistrate-cum-Special Judge for P.C. Act Cases, Tiruvannamalai (for brevity “the Trial Court”).

2. This case pertains to disbursement of Rs.1.20 lakhs each to two persons, viz., Moorthy, S/o Chinnaiya (A6) and Chinnaiya, S/o Ponnai (A7), during the period 04.09.2017 to 28.10.2017, who are ineligible beneficiaries under the Pradhan Mantri Awas Yojana – Gramin Scheme (for short “the Scheme”), the object of which is to disburse cost for construction of houses to the downtrodden in the villages by selecting beneficiaries based on Socio Economic and Caste Census, 2011 (SECC – 2011).

3. The prosecution case, in a nutshell, is as follows:

3.1 On a complaint lodged by one Arun, S/o Elumalai, before the Tiruvannamalai, Vigilance and Anti Corruption Detachment, that during 2016-2017, construction cost of houses were paid to “Moorthy, S/o Chinnaiya”

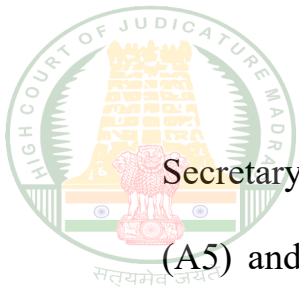


instead of “Moorthy, S/o Chinnapaiyan”, and “Chinnaiya, S/o Ponnann” instead of “Chinnapaiyan, S/o Kattaiyan”, thereby causing loss to the State exchequer, a case in Cr.No.4 of 2023 was registered under Sections 120-B, 167, 420 and 409 of IPC and Section 13(2) read with Section 13(1)(c) of the Prevention of Corruption Act, 1988, on 28.04.2023.

3.2 After completion of investigation, the respondent police filed a charge sheet in Special C.No.5 of 2024 before the Chief Judicial Magistrate-cum-Special Judge for P.C. Act Cases, Tiruvannamalai, against the petitioner (A1), Venkatesan (A2), Sankar (A3), Balamurugan (A4) and Balaji (A5), who were working in Thellar Panchayat Union, Tiruvannamalai District, as Deputy Block Development Officer, Deputy Block Development Officer, Panchayat Secretary-Seeyamangalam Village, Zonal Deputy Block Development Officer and Overseer, respectively, and also against Moorthy (A6) and Chinnaiya (A7), challenging which A1 is before this Court.

4. The main points urged by the learned counsel for the petitioner (A1) could be summarised thus:

4.1. The role of the petitioner (A1) is only to the limited extent of uploading the documents in the computer which were collected from the identified beneficiaries by the 3 member committee comprising the Panchayat

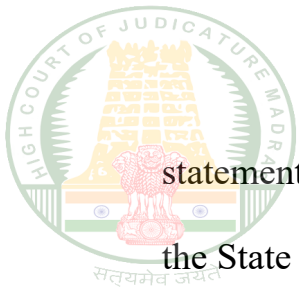


Secretary (A3), Zonal Deputy Block Development Officer (A4) and Overseer (A5) and when such is the case, the petitioner (A1) cannot be mulcted with criminal liability.

4.2 Though Rajan Babu (LW 15), Block Development Officer, who had sanctioned the cost of construction to A6 and A7 and Vijayakumari (LW 16), Assistant Director, who is the overall in charge for the Scheme, have candidly stated in their Section 161 Cr.P.C. statement that work pressure and similarity of the names of A6 and A7 with the names of eligible beneficiaries are the reasons for wrong disbursement of construction cost which is tantamount to exonerating the petitioner (A1), the respondent is not justified in arraying the petitioner as A1.

4.3 The list of eligible beneficiaries was finalised and the construction cost for 742 houses was disbursed at a breakneck speed of 10 days *i.e.*, from 06.03.2017 to 16.03.2017 as per the datewise duties prescribed by the Director, Rural Development and Panchayat Raj dated 03.03.2017 and the petitioner (A1) e-registered the documents concerning 742 beneficiaries in just three days *i.e.*, from 09.03.2017 to 11.03.2017.

4.4 When A6 and A7 have repaid the cost of construction of houses disbursed to them to the Government as is evident from the Section 161 Cr.P.C.



statement of Vijayakumari (LW16), Assistant Director, the question of loss to the State exchequer does not arise at all.

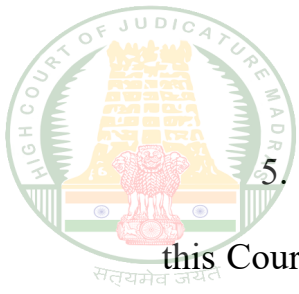
WEB COPY

4.5 There is no material on record to show that the petitioner (A1) acted with any illegal motive or malicious intention or made any unlawful gain owing to cost of construction disbursed to A6 and A7.

4.6 In **A.Vilvapathy vs. State**¹ involving the same set of facts and in which also, the petitioner was a Deputy Block Development Officer like the petitioner herein, this Court, finding that he neither had a role in identifying the beneficiaries of the Scheme nor was involved in any field operation, directed dropping of the name of the petitioner therein from the FIR and granted liberty to the investigating agency to include his name in the final report once it is satisfied that it has ample materials to establish that the petitioner had a role in the crime. In such view of the matter, the petitioner also stands on the same footing.

4.7 At the most, the petitioner (A1) can be charged only towards dereliction of duty and not for any other offence.

¹ Crl.O.P. No.21437 of 2024 decided on 18.12.2024

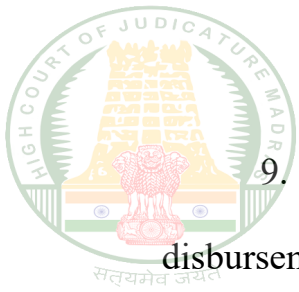


5. *Per contra*, the learned Government Advocate (Crl. Side), took this Court through the counter affidavit, additional counter affidavit and second additional counter affidavit. The sum and substance of his argument is that as has been mandated *vide* Circular dated 03.03.2017 of the Director of Rural Development and Panchayat Raj Department, the petitioner (A1) ought to have verified the documents with the list of eligible beneficiaries prepared in this regard before uploading the documents in the “Awass Soft” which is an e-governance software and Management Information System and the failure on the part of the petitioner (A1) in this regard, has resulted in sanction of construction cost to A6 and A7 who are not eligible beneficiaries.

6. With regard to the reliance made by the learned counsel for the petitioner on the decision in **A. Vilvapathy**, *supra*, the learned Government Advocate (Crl. Side) submitted that since a *prima facie* case has been made out against the petitioner, the aforesaid decision cannot be pressed into service.

7. Heard the learned counsel on either side and perused the materials available on record, including the order in **A.Vilvapathy**, *supra*.

8. The petitioner before us is only A1 whose role was confined to uploading the documents which were collected from the beneficiaries, in the computer, and the other accused are not before this Court.

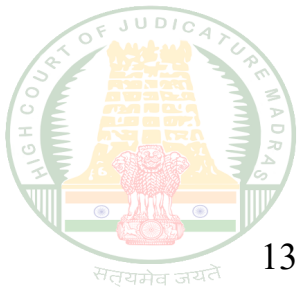


9. The *modus operandi* for identification of beneficiaries and disbursement of construction cost to them has been discussed threadbare at paragraph no.3 of the order in **A.Vilvapathy**, *supra*, and hence, it will be an exercise in futility to once again venture into the same, thereby making this order verbose.

10. The short point that emerges for determination in this criminal original petition is whether the petitioner (A1) can be held liable for sanction of construction cost to A6 and A7 who are concededly ineligible beneficiaries.

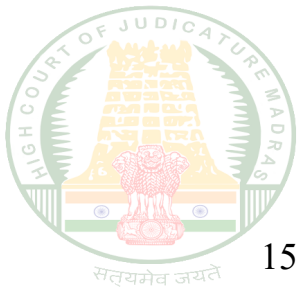
11. The main stance of the prosecution is that had the petitioner (A1) verified the documents with due diligence before uploading the same in the Awass Soft software, sanction of construction cost to A6 to A7 who are ineligible beneficiaries, could have been averted.

12. It is true that the Circular dated 03.03.2017 issued by the Director of Rural Development and Panchayat Raj, sets out the duties and responsibilities of officials right from the stage of identification of eligible beneficiaries from among the downtrodden and disbursement of cost to them for construction of houses. But, in the considered opinion of this Court, the attending circumstances under which this alleged lapse had occurred also needs to be looked into.



13. In this regard, at the outset, it is worth alluding to the Circular dated 03.03.2017 referred to *supra*. It is to be noted that the said Circular grants only a paltry period of 10 days *i.e.*, from 06.03.2017 to 16.03.2017 for completion of the entire task. Incontrovertibly, in the case on hand, 742 beneficiaries have been identified within the stipulated time and more importantly, the documents pertaining to these beneficiaries have been uploaded by the petitioner (A1) in a span of just three days.

14. Secondly, it is worth pointing out that the actual eligible beneficiaries are “Moorthy, S/o Chinnapaiyan” and “Chinnappayyan @ Kattayan”. Instead of uploading the documents of these eligible beneficiaries, the documents in connection with “Moorthy, S/o Chinnayyan” and “Chinnayyan, S/o Ponnann”, have been uploaded by the petitioner. To be noted, there is not much difference in the names of the eligible beneficiaries and A6 and A7 who are ineligible beneficiaries. In fact, while the name A6 is the same as of the actual beneficiary, the name of A7 slightly varies from the name of the actual beneficiary. The lapse on the part of the petitioner (A1) while uploading documents of 742 beneficiaries deserves to be treated, as contended by the learned counsel for the petitioner, at the most, only as dereliction of duty given the short span of three days which was fixed for the said purpose.



WEB COPY

15. Thirdly, it is borne out of records that A6 and A7 have repaid the construction cost to the State exchequer and such being the case, the respondent's averment in the counter affidavit dated 11.06.2025 that the petitioner (A1) has to state these facts only before the Trial Court, deserves to be stated only to be rejected.

16. Fourthly, the averment at paragraph no.14 of the counter affidavit that there is no material to establish any direct nexus between the Block Development Officers and the ineligible beneficiaries since the work orders were issued only in the names of eligible beneficiaries, deserves a special mention. To be noted, the petitioner (A1) was not a Block Development Officer but only a Deputy Block Development Officer who has uploaded the documents given by the other officials. When a Block Development Officer himself, even according to the prosecution, did not have any direct nexus with ineligible beneficiaries, this Court is at a loss to understand as to how the petitioner (A1) who is only a Deputy Block Development Officer could have any role in the offences charged against him.

17. Fifthly, it is important to note that Rajan Babu (LW 15), Block Development Officer, in his Section 161(3) Cr.P.C. statement, has stated in unequivocal terms that it is his duty and responsibility to oversee the entire



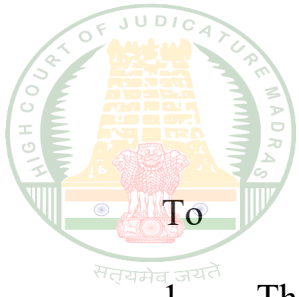
operation and that since the Scheme had to be implemented in all the village panchayats in Thellar Panchayat Union, he could not bestow his full attention to his overseeing work, which is indeed a mistake on his part. Superadded, Vijayakumari (LW 16), Assistant Director, in her Section 161 Cr.P.C. statement, in addition to what has been stated by Rajan Babu (LW 15) as above, has gone on to state that the mistake had crept in owing to similarity of names. That apart, these two list witnesses have, in one voice, admitted to their mistake. By the way, it is not known as to why these two list witnesses, who, admittedly, hold higher posts than the petitioner (A1) and who have admitted to their mistakes, have not been arraigned as accused alongside other accused but have merely been included as list witnesses.

18. In view of the foregoing discussion, this Court finds that the impugned charge sheet in Spl. C.No.5 of 2024 on the file of the Trial Court is liable to be quashed insofar as the petitioner (A1) and it is accordingly quashed.

In the result, this criminal original petition stands allowed.

22.06.2026

cad



To

WEB COPY

1. The Chief Judicial Magistrate-cum-Special Judge
for P.C. Act Cases
Tiruvannamalai
2. The Inspector of Police
Vigilance & Anti-Corruption
Cuddalore
3. The Public Prosecutor
Madras High Court
Chennai 600 104



WEB COPY

CRL OP No. 11414 of 2



A.D. JAGADISH CHANDIRA, J.

cad

Order in
Crl.O.P. No.11414 of 2025

22.06.2026