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W.P.No.14726 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2026

Coram

The Honourable **Mr.Justice Krishnan Ramasamy**

W.P.No.14726 of 2022

and

W.M.P.No.13918 of 2022

R.M.Veerappan

..Petitioner

Vs.

1 Disciplinary Directorate
Rep by its Director ,
The Institute of Chartered Accountants of India
ICAI Bhawan PO Box No 7100
Indrarastha Marg New Delhi- 110 002.

2 Supdt of Police
CBI BS and FC Bangalore No.36 Bellary Road
2nd Floor GangaNagar ,Bangalore 560 032.

...Respondents

Prayer

Writ Petition filed under Article 226 of the Constitution of India
praying for the issuance of a Writ of Certiorari to call for records made in
Ref.No.PR /G/281/2017/DD- 271/2017 dated 14.09.2020 on the file of the
1st Respondent and quash the same.

For Petitioner : Mr.S.Ramachandran

For Respondent-1 : Mr.S.Diwakar,

For Respondent- 2 : Ms.G.Vrinda, for Mr.K.Srinivasan
Special Public Prosecutor



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Order

The challenge in this Writ Petition is to the order dated 14.09.2020

passed by the first respondent and to quash the same.

2. The learned counsel for the petitioner would submit that the petitioner has not involved in any such Professional Misconduct, as, alleged in the impugned order dated 14.09.2020 passed by the first respondent; that his name has been wrongly implicated in the criminal case and that the petitioner has never been the Chartered Accountant for the said Company, however, pursuant to such wrong/false implication of name of the petitioner in a criminal case, the first respondent has *prima facie* arrived at a view that the petitioner has indulged in fraud and therefore, is found guilty of misconduct.

3. It is the further contention of the learned counsel for the petitioner now, the second respondent, Superintendent of Police, themselves absolved the petitioner from such criminal prosecution and the petitioner's name is also removed from the array of parties and therefore, prays for quashment of the impugned order.



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4. The learned counsel for the second respondent also confirmed that the criminal prosecution initiated against the petitioner is now dropped and the petitioner's name has also been removed from the List of Accused.

5. Per contra, the learned counsel for the first respondent viz., Disciplinary Directorate, Institute of Chartered Accountants of India would submit that the order dated 14.09.2020 assailed herein is only a Prima Facie Opinion arrived by the first respondent, stating that the petitioner alleged to have indulged in fraudulent act and thereby, found Guilty of Professional Misconduct, however, such Prima Facie Opinion has been placed before Board of Discipline for taking appropriate action, and it is for the said Board of Discipline to take appropriate action; that in the event, the said Board of Discipline takes cognizance of the offence, the petitioner would be proceeded with departmentally, in which case even, the petitioner's reply would be called for and only affording an opportunity to the petitioner to substantiate his case by adducing evidence and allowing the petitioner to cross-examine the witnesses, (Disciplinary Directorate), further action would be taken against the petitioner, and as on date, no action has been taken



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against him, and therefore, sought for dismissal of this Writ Petition by
termining the same to be premature one.

6. Heard Mr.S.Ramachandran learned counsel appearing for the petitioner, Mr.S.Diwakar, learned counsel for first respondent and Ms.G.Vrinda, the learned counsel representing Mr.K.Srinivasan, learned Special Public Prosecutor for the second respondent.

7. In the present case, based on a complaint lodged by the Indian Bank, Tiruchengode Branch, a criminal prosecution has been initiated against a Company, named M/s.Pavai Alloys and Steels Pvt. Ltd., and its Director, wherein, the petitioner has been implicated on the alleged ground that he as a Chartered Accountant of the said Company, provided false balancesheets of the said Company to the Bank for the sake of availing the loan facility to the Company and also obtained loan to the Company. Since the said Company alleged to have used the balance sheets along with other documents and obtained loan facility from the said Bank and also failed to repay the loan, the Bank lodged such criminal complaint before the second Respondent-Police.



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8. On account of the said criminal proceedings, the first respondent vide the Impugned Order, dated 14.09.2020 has arrived a *Prima Facie* Opinion that the petitioner is guilty of 'Professional Misconduct'. Aggrieved by the said Prima Facie Opinion, the petitioner has filed this Writ Petition seeking to quash the same.

9. Thus, vide this Writ Petition, what the petitioner intends to seek is to get absolved from initiation of disciplinary proceedings by citing the reason that the criminal prosecution initiated against the petitioner has now been dropped by the second respondent and his name has also been removed from the Array of Parties/Accused. However, as rightly pointed out by the learned counsel for the first respondent, this Writ Petition challenging the order dated 14.09.2020 is only an Formation of Opinion by the first respondent, Disciplinary Directorate, and the same has been placed before the Board of Discipline for taking appropriate action against the petitioner, and that, in the event, if the Board of Discipline takes cognizance of the office, the petitioner would be initiated with disciplinary proceedings; that of course, he would be afforded with an opportunity of hearing, adduce



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evidence and cross-examine the witnesses (Disciplinary Directorate), merely because, the petitioner has been absolved from the criminal prosecution, that per se would not rescue the petitioner from being departmentally proceeded with, inasmuch as, it is a trite law, in disciplinary proceedings strict and sophisticated rules of evidence are not required and all that is required to be looked into is only preponderance of probability alone. Further, the objective of departmental proceedings is to maintain discipline and efficiency in public service, which is different from that of the punitive purpose in a criminal proceedings. Therefore, this Court is not inclined to interfere with the impugned order.

10. As stated supra, if the Board of Discipline takes cognizance of the offence, it is well open to the petitioner to defend his case by adducing evidence and examining the witness and this Writ Petition challenging the Prima Facie Opinion arrived by the first respondent is premature and has to be dismissed.



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11. With the above observations,, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

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Index : yes/no

Neutral Citation : yes/no

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Krishnan Ramasamy,J.,

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