



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-06-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 14047 of 2026
and Crl.M.P.Nos.8952 and 8953 of 2026

S.V.Dhanasekaran
then Dean of Aarupadai Veedu Medical College,
Puducherry,
Residing at 102 B,
Convent Road,
Fairlands,
Salem 636 106.

..Petitioner(s)

Vs

Deputy Superintendent of Police,
CBI/ACB/Chennai
Rep. Through Public Prosecutor.
(FIR No. RC.MA1.2011.A.0010)

..Respondent(s)

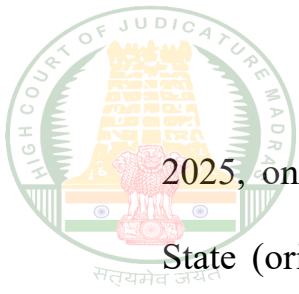
PRAYER: Criminal Original Petition filed under Section 528 of BNSS, 2023, praying to call for the records in CC.No.379 of 2025 pending on the file of the learned Judicial Magistrate -1 Court, Karaikal, Puducherry State and quash the same in respect of the charges as against the petitioner / Twelfth Accused.

For Petitioner(s): Mr.P.S.Raman
Senior Counsel
for Mr.L.Swaminathan

For Respondent(s): Mr.K.Srinivasan
Special Public Prosecutor (CBI Cases)

ORDER

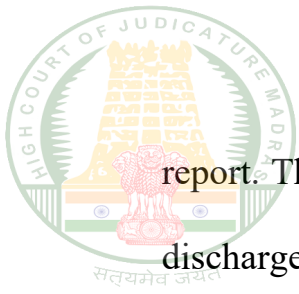
This petition has been filed to quash the proceedings in C.C.No.379 of



2025, on the file of the Judicial Magistrate – 1 Court, Karaikal, Puducherry State (originally numbered as C.C.No.186 of 2013 on the file of the learned Judicial Magistrate-II Court, Karaikal, Puducherry State), in respect of charges as against the petitioner / twelfth accused herein, thereby taken cognizance for the offences under Sections 13(2) r/w 13(1)(d) of the Prevention of Corruption Act and under Sections 120 r/w Sections 420 IPC, in F.I.R.No.RC.MA1.2011.A.0010, as against this petitioner.

2.The case originates from FIR No.RC.MA1.2011.A.0010 dated 12.02.2011, registered under Sections 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988 and Sections 120 B r/w 420 IPC, arraying seven persons as accused, including public servants, namely MCI Inspectors (A4 to A7). The said FIR was laid before the learned Special Judge for CBI Cases, Karaikal.

3.The learned Counsel appearing for the petitioner would submit that after investigation, the prosecution abandoned the original case by deleting all public servants and dropping the offences under the Prevention of Corruption Act, thereby fundamentally altering the substratum of the prosecution and filed final report No.1/KPK/2013 dated 26.03.2013 under Section 120(B) r/w 420, 471 r/w 468 and 109 of IPC, before the learned Judicial Magistrate-II, Karaikal, and the same was taken cognizance in C.C.No.186 of 2013. The petitioner was not named in the FIR and came to be arrayed as twelfth accused only in the final



report. The Trial Court allowed the discharge petitions filed by the accused and discharged all the accused by an order dated 28.01.2016, which was subsequently set aside by this Court on 10.10.2017 in the Criminal Revision Cases filed by the respondent. Challenging the same, all the accused preferred SLPs before the Hon'ble Supreme Court and the same was dismissed on 12.05.2022. Thereafter, the petitioner and other accused filed quash petitions before this Court and the same was dismissed on 11.08.2023 for want of change of circumstances. However, the present Quash petition is filed entirely based on supervening circumstances, to consider the advanced age of petitioner (78 years), severe Parkinson's disease for past five years (bedridden condition), continuous neurological treatment and inability to travel, death of five co-accused, severe delay of more than 15 years without trial commencement and impracticability of trial involving examination of 386 witnesses and 3,120 documents. Hence, prays for quashing of C.C.No.379 of 2025.

4.Mr.K.Srinivasan, the learned Special Public Prosecutor (CBI Cases) would submit that the Hon'ble Supreme Court in Special Leave to Appeal (Crl.) No(s).10389 – 10394 of 2017, finding that the instant proceedings is pending since 2016, had directed the trial Court to take up the proceedings as early as possible for framing of charges and then conclude the trial at the earliest. He added that trial in this case is yet to commence, since it is and involving examination of 386 witnesses and 3,120 documents, the matter will be taken up



and trial will be conducted as expeditiously as possible.

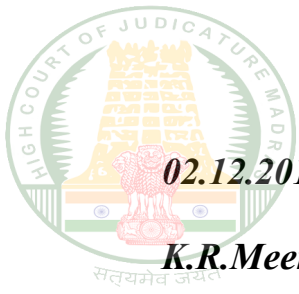
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5. Heard the learned Counsel appearing on either side and perused the materials placed on record.

6. It is seen that on the complaint lodged by the respondent, FIR No.RC.MA1.2011.A.0010 dated 12.02.2011 under Sections 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988 and Sections 120 B r/w 420 IPC. After completion of investigation, the respondent filed final report and the same has been taken cognizance in C.C.No. 379 of 2025 by the trial Court and it is pending. To quash the said criminal proceeding, the petitioner filed the present petition.

7. The Hon'ble Supreme Court of India in the judgment reported in **2019 (10) SCC 686** in the case of **Central Bureau of Investigation Vs. Arvind Khanna, (Crl.A.No.1572 of 2019 dated 17.10.2019)** held that the High Courts cannot record the findings on the disputed facts. The defence of the accused is to be tested after appreciation of evidence by the trial Court during the trial. Therefore, this Court has no power to consider the disputed facts under Section 482 of Cr.P.C./528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

8. The Hon'ble Supreme Court of India in another judgment dated



02.12.2019 passed in Crl.A.No.1817 of 2019 in the case of M.Jayanthi Vs.

K.R.Meenakshi & anr, held that while considering the petition for quashment of complaint or charge sheet, the Court should not embark upon an enquiry into the validity of the evidence available. All that the Court should see is as to whether there are allegations in the complaint which form the basis for the ingredients that constitute certain offences complained of. Further, the Court can also see whether the preconditions requisite for taking cognizance have been complied with or not and whether the allegations contained in the complaint, even if accepted in entirety, would not constitute the offence alleged. Whether the accused will be able to prove the allegations in a manner known to law would arise only at a later stage i.e., during trial.

9.Further, this Court cannot observe at this stage as to whether the initiation of criminal proceeding itself is malicious or not. The same is required to be considered at the conclusion of the trial. Therefore, the ground raised by the petitioner to quash the final report/charge sheet cannot be entertained.

10.In view of the above discussion, this Court is not inclined to quash the proceedings in C.C.No. 379 of 2025 on the file of the learned Judicial Magistrate-I, Karaikal Puducherry State. The petitioner is at liberty to raise all the grounds before the trial Court. **Considering the age of the petitioner, the personal appearance of the petitioner is dispensed with and he shall be**



G.K.ILANTHIRAIYAN, J.

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represented by a counsel after filing appropriate application. However, considering the age of the petitioner, the trial Court shall permit the proceedings through video conferencing while furnishing of copies, framing charges, questioning under Section 351 of BNSS and passing of judgment. The trial Court is directed to complete the trial within a period of 12 months from the date of receipt of copy of this Order.

11. Accordingly, the Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petitions are also closed.

08-06-2026
(1/3)

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

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To

Deputy Superintendent of Police,
CBI/ACB/Chennai
Rep. Through Public Prosecutor.
(FIR No. RC.MA1.2011.A.0010)

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