



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-06-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 14750 of 2026

and

Crl.M.P.No.9434 of 2026

S.Thilagam
D/o.Sundaram,
Secretary, HH 189, PACCS,
Thiruppanangadu,
Residential Address
No.1/122, Vellalar Street,
Thiruppananagadu Village, Vembakkam Taluk,
Thiruvannamalai District.

..Petitioner(s)

Vs

The State Rep by its Inspector of Police,
Vigilance and And Corruption,
Thiruvannamalai District.
Crime.No.6 of 2018

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 528 of BNSS to call for the records pertaining to the charge sheet in Spl.C.C.No.29 of 2026 on the file of the Principal and District Sessions Court, Thiruvannamalai in Crime No.6 of 2018 on the file of the respondent police, quash the same.

For Petitioner(s): M/s.V.Subramanian

For Respondent(s): Mr.R.Ganesh Kumar
Govt.Advocate (Criminal Side)



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ORDER

This petition has been filed to quash the charge sheet in Spl.C.C.No.29 of 2026 on the file of the Principal and District Sessions Court, Thiruvannamalai in Crime No.6 of 2018 on the file of the respondent police .

2. The case of the prosecution is that the petitioner is arrayed as A2 and was working as the Secretary of HH 189 Thiruppanangadu Primary Agricultural Co-operative Credit Society, Thiruppanangadu Village, during the relevant period. A1, the elected President of the Society, had obtained two agricultural loans during the years 2015 and 2016. Subsequently, pursuant to a Government Agricultural Loan Waiver Scheme applicable to eligible small and marginal farmers, a waiver list was prepared and forwarded to the competent authorities. The petitioner, in conspiracy with A1 and A3, suppressed the true landholding particulars of A1, fabricated records, and included his name in the waiver beneficiary list under the “small farmer” category, even though A1 allegedly possessed 8.18 acres of land. This facilitated the wrongful waiver of a sum of Rs. 84,902/-, causing a loss to the Government. Hence, the petitioner was charged with offences under Sections 13(2) read with 13(1)(c) & (d) of the Prevention of Corruption Act, 1988, and Sections 120B, 167, 409, 468, 471, 420, and 477A read with Section 109 of the IPC.



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3. The learned counsel for the petitioner submitted that the crux of the allegation is that the loan was sanctioned without verifying the register of the first accused. The criterion is that individuals possessing below 5 acres of land qualify for the waiver. He also pointed out discrepancies in the loan holding register.

4. The points raised by the petitioner can only be considered during the trial. Those documents cannot be tested in the manner known to law at this stage. Apart from that, there are specific allegations against the petitioner that attract charges under Sections 13(2) read with 13(1)(c) & (d) of the Prevention of Corruption Act, 1988, and Sections 120B, 167, 409, 468, 471, 420, and 477A read with Section 109 of the IPC. Further, the petitioner and the first accused allegedly concealed the entries made in the register regarding the loan held by the first accused by covering them with a piece of paper.

5. The Hon'ble Supreme Court of India in the judgment reported in **2019 (4) SCC 351** in the case of **Devendra Prasad Singh Vs. State of Bihar & Anr., (Crl.A.No.579 of 2019 dated 02.04.2019)** while dealing with the petition to quash the entire criminal proceedings held that the High Courts have no jurisdiction to appreciate the statement of the witnesses and record a finding that



there were inconsistencies in their statements and therefore, there was no *prima facie* case made out as against the accused. It could be done only by the trial

Court while deciding the issues on the merits or/and by the Appellate Court while deciding the appeal arising out of the final order that the charge sheet has been laid on the basis of the inconsistency statement under Section 180 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

6. *Frurther, 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 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.*

7. *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 consititue 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.

8. 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.

9. In view of the above discussion, this Court is not inclined to quash the proceedings in Spl.C.C.No.29 of 2026 on the file of the Principal and District Sessions Court, Thiruvannamalai. The petitioner is at liberty to raise all the grounds before the trial Court.

10. Accordingly, the Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petitions are also closed. However, the observations made in this Court cannot influence the trial Court.

11-06-2026

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To

1. The State Rep by its Inspector of Police,
Vigilance and And Corruption,
Thiruvannamalai District.
Crime.No.6 of 2018

2. The Public Prosecutor
Madras High Court.

CRL OP No. 14750 of 2



G.K.ILANTHIRAIYAN, J.

SMA

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