



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-06-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 16180 of 2026

and

Crl.M.P.Nos.10649 & 10650 of 2026

1. M.S.Thamaraiselvi
W/o.Subramaniyan,
No.7, D Block 2nd floor,
Dr.Ambedkar 1st Street,
1st main road,
Manapakkam,
Chennai-600125.
2. V.Murali
S/o.Venugopal,
No.52A, F2 Saai Soundaryam flats,
Anbu Nagar,
11th Street,
Valasaravakkam,
Chennai-60 0087.
3. T.Subramanian
S/o.Thillaichidambaram,
No.89/6, Asirvath Plot,
11th cross street,
Thilagar Avenue,
Madipakkam,
Chennai-600 091.

..Petitioner(s)

Vs

Inspector of Police,
CBI-ACB,
Chennai.

..Respondent(s)



PRAYER : Criminal Original Petition filed under Section 528 of BNSS to call for records relating to CC.No.11/2006 on the file of learned XI Additional Special court for CBI cases, Singaravelar Maaligai, Chennai and quash the same.

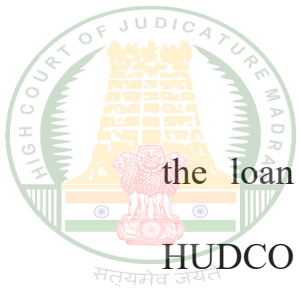
For Petitioner(s): Mr.B.Shruthan

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

ORDER

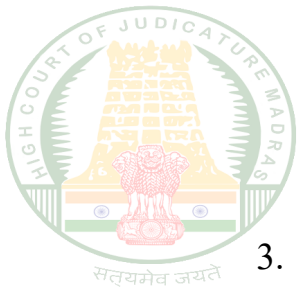
This criminal original petition has been filed praying to quash the proceedings in CC.No.11 of 2006 pending on the file of the learned XI Additional Special Court for CBI Cases, Singaravelar Maaligai, Chennai.

2. The case of the Prosecution is that the HUDCO NIWAS Scheme was envisaged in the year 2000 for sanction of loans to individuals for purchase of plots. Two important requirements for sanction of loan is that the developer should be reputed one and the loan sanctioned should not exceed 85% of the registered value of the plot including the registration charges. A1 was the competent authority to sanction the loan processed by the Retail Finance Unit. A2 as Stenographer is not empowered to receive the loan applications from the loanees and to process them. But A2 was entrusted with the work of receiving



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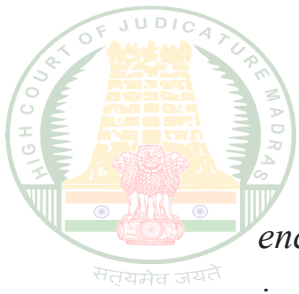
the loan applications by A1 in pursuance of criminal conspiracy, against HUDCO Circulars. A2 after receipt of the loan applications used to check the applications and instruct the loanees to make suitable corrections in the application in order to circumvent the rules and regulations of HUDCO knowing that the information directed to be filled up is not true. A2 used to do the legal appraisal though she is not competent to make remarks. Further, the employment verification of the loanees was done knowing that no such verification was carried out and A2 pressurized the Senior Managers on behalf of A1 to process the loan applications. A3/M/s Sindhu Developers Pvt. Ltd. developed a layout at Sri Krishna Nagar at No.157, Pondur Village, Sriperumbudur Taluk and created inflated sale agreements with 43 loanees for availment of loan under HUDCO NIWAS, on forged income proof and false sale agreement and thereby loanees received excess loan amount from HUDCO. The allegation as against the petitioner is that he is one of the 43 loanees above mentioned and that he being a Health Inspector in the Public Health Department has submitted forged and fabricated salary slip to the HUDCO and caused wrongful loss to the HUDCO to the tune of Rs.3,69,000/-. Hence, a criminal case had been registered. After completion of investigation, final report was filed and the same was taken cognizance in CC.No.11 of 2006 on the file of the learned XI Additional Special Court for CBI Cases, Singaravelar Maaligai, Chennai for the offences under Sections 120(b) r/w 420, 467, 468, 471 of IPC and Section 13(2) r/w Section 13(1)(d) of Prevention of Corruption Act, 1988.



3. The learned counsel for the petitioner submitted that there are totally 43 accused, in which the petitioners are arrayed as A40, A42 & A45. Some of the accused i.e. A41, A37 & A46 separately approached this Court in Crl.OP.Nos.27543, 28469 & 28466 of 2025 respectively and this Court by common order dated 07.04.2026, quashed the proceedings impugned in this criminal original petition insofar as the aforementioned A41, A37 & A46. The learned counsel further submitted the alleged loss was already repaid to the HUDCO and the petitioner was issued NO Objection Certificate by the HUDCO as early as 2007 and therefore, there is no loss to the HUDCO and as such, the same benefit given to A41, A37 & A46 by this Court, may be extended to this petitioner as well.

4. Heard, the learned counsel appearing on either side and perused all the materials placed before this Court.

5. It is relevant to extract the relevant portion of the order passed by this Court in Crl.OP.Nos.27543, 28469 & 28466 of 2025 dated 07.04.2026, thereby quashing the proceedings impugned in this criminal original petition in respect of A41, A37 & A46, hereunder:



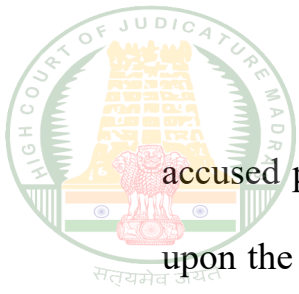
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“21. Thus, the Apex Court held that speedy trial would encompass within its sweep all its stages including investigation, inquiry, trial, appeal, revision and retrial, in short everything commencing with an accusation and expiring with the final verdict. In this case, admittedly there had been a delay of more than 20 years, all the petitioners now attained superannuation, one petitioner superannuated recently and the other two petitioners decades before. Further, one of the petitioner is paralysed, bedridden and all of them denied of their career growth, promotion and denied their terminal benefits which is a planned fallback for their future, a requirement for post retirement needs including for health care. Thus, petitioners deprived of their fundamental right. From the above facts, it is clear that continuation of criminal proceedings pending against the petitioners before the Trial Court is unwarranted and liable to be quashed.

22. In the result, the Criminal Original Petitions stand allowed and as a sequel, the proceedings pending against the petitioners in C.C.No.11 of 2006 on the file of XI Additional Special Court for CBI Cases, Singaravelar Maaligai, George Town, Chennai - 600 001 is quashed. The petitioners are discharged from the charges levelled against them”

6. However, it is the vehement contention of the learned Special Public Prosecutor (CBI Cases) appearing for the respondent that though the petitioners are also standing in the same footing as of the aforementioned co-accused persons, they are not entitled for any relief since already trial commenced, some of the accused persons have been discharged and some of the



accused persons are facing trial. Therefore, in this regard, it is relevant to rely upon the judgment rendered by the Hon'ble Supreme Court of India in the case of ***Dalai Vs. State of Odisha(Vigilance)*** in the criminal appeal arising out of SLP (Crl.)No.9445 of 2023 dated 18.05.2026, wherein it is held as follows:

21. Furthermore, it is not in dispute that two co-accused, namely Indian Forest Service officers who were similarly situated and even more prominently placed in the administrative chain of events, have already been discharged by the High Court. A comparative examination of the roles ascribed to the discharged co-accused and the present Appellant shows no distinguishable basis that would justify differential treatment. The principle of parity, which is a fundamental tenet of criminal jurisprudence, requires that similarly situated accused persons be treated alike. When the allegations and evidence against the Appellant are not even qualitatively stronger than those against the discharged co-accused, the continuation of proceedings against the Appellant alone would be arbitrary and violative of [Article 14](#) of the Constitution of India.

7. This Court is of the opinion that the above dictum is squarely applicable to the present case. Therefore, the present petitioners can also be given the benefit given by this Court to the co-accused persons. As such, this criminal original petition is allowed and the entire proceedings, in CC.No.11 of 2006 pending on the file of the learned XI Additional Special Court for CBI



Cases, Singaravelar Maaligai, Chennai, is quashed in respect of the petitioner.

Consequently, connected miscellaneous petitions are closed.

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25-06-2026

SMA

To

1. Inspector of Police,
CBI-ACB,
Chennai.

2. XI Additional Special Court for CBI Cases, Singaravelar Maligai,
Chennai

3. The Public Prosecutor,
Madras High Court.



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G.K.ILANTHIRAIYAN, J.

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