IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2026

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.OP.No.4014 of 2026 and
Crl.MP.Nos.2764 & 2767 of 2026

K.R.Pandeeswari ... Petitioner

Vs.

State of Tamil Nadu,
Represented by the Inspector of Police,
City Special Unit,
Vigilance and Anti Corruption,
Chennai-16 ... Respondent

Prayer: Criminal Original Petition filed under Section 528 of BNSS, praying to call for records in connection with Special Sessions Case No.17 of 2023 on the file of the Principal District Court, Chengalpet and quash the same.

For Petitioner : Ms.Abitha Banu

For Respondent : Mr.R.Ganesh Kumar,
Counsel for Government of Tamil Nadu
(criminal side)

ORDER

This Criminal Original Petition has been filed praying to quash the proceedings in Special Sessions Case No.17 of 2023 on the file of the

Principal District Court, Chengalpet.

2. The petitioner is arrayed as A1. The case of the prosecution is that the petitioner/Accused-1, from the year 1986 to 1988, was working as Technical Assistant in PWD Trifurcation Division at Viruthunagar. After that, she joined as Surveyor cum Assistant Draftsman in Town Planning Department at Arupukottai on 11.05.1988. The working place and period of her service are (i) 11.05.1988 to Oct 1988 at Aruppukottai, (ii) Oct 1988 to Dec 1989 at Sivagangai, (iii) Jan 1990 to Dec 1993 at Madurai, (iv) Jan 1994 to 2002 Madurai Regional Office, (V) Sep 2002 to Jun 2009 at Tanjore. The petitioner/Accused-1 meanwhile cleared the Group I exam of TNPSC during 2008 and was appointed as Assistant Director in Town Planning Department. She worked as AD in Town Planning Department at (i) 29.07.2009 to 04.05.2011 at Chengalpet, (ii) 11.05.2011 to 19.05.2015 at Nagarcoil and it is designated for considering the acquisition and disposal of assets, the check period has been fixed between 01.01.2008 to 31.12.2011, during which the petitioner/Accused-1 was working as Assistant Director, Chengalpet and Nagarcoil. Based on the outcome of proceedings in DE 65/2010/TCP/KM, dated 17.06.2014, an FIR in Cr.No.3/AC/2014/KM was registered on 23.06.2014 u/s 13(2) r/w 13(1)(e) of PC Act 1988, 109 IPC r/w 13(2), 13(1)(e) of PC Act, 1988 for the offence of accumulation

of disproportionate asset and abetment for the same during the check period between 01.01.2008 and 31.12.2011 against the Accused 1 & 2. The investigation revealed that there was substantial materials available to prove the offences committed by the Accused 1 & 2 and hence final report in the form of charge sheet was filed and the same was taken cognizance in Special Sessions Case No.17 of 2023 on the file of the Principal District Court, Chengalpet. Challenging the same, this criminal original petition has been filed.

3. The learned counsel for the petitioner would submit that the petitioner while working as Assistant Director in Town Planning Department, she along with her husband acquired wealth disproportionate to her income for the check period 01.01.2008 to 31.12.2011. He further submitted that the entire properties were acquired by her husband and he is a real estate broker. He has source of income and the entire income has been shown in his income tax returns. He paid income tax and whatever the properties acquired, were disclosed in his income tax returns. In fact, the first investigation officer closed the FIR as mistake of fact and the second investigation officer had taken up investigation and filed final report. Therefore, the petitioner has nothing to do with the charge as alleged by the prosecution.

4. On perusal of records and also on the submissions of the counsel appearing on either side, it is revealed that during the check period, total income of the petitioner was calculated at Rs.16,52,863/- and expenditure at Rs.6,69,942/-. The value of the assets acquired during the check period is Rs.78,47,669/-. Excess asset is calculated over and above the income of the petitioner as 414%, which exceeds the permissible limit. Though the petitioner vehemently contended that the entire properties stand in the name of her husband, her husband has to show his source of income to acquire those properties. The entire assets were acquired by her husband during the check period. Further, the check period was calculated for four years and as such, the earlier FIR was closed and subsequently another investigation officer proceeded with the investigation and filed final report. Further, it is also revealed that the property purchased on whose name is not defendable. The property acquired by a family member of the petitioner will also be considered as the petitioner's property when the family member failed to show the source of income. Therefore, mere filing of income tax returns will not exclude the petitioner from the case of disproportionate asset acquired by her husband. As such, the grounds raised by the petitioner can be considered only during the trial by letting in evidence.

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 161 of Cr.P.C.

6. Further, 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. Therfore, this Court has no power to consider the disputed facts under Section 482 of

Cr.P.C.

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 consititue 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 grounds 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 impugned proceedings. However, the petitioner is at liberty to raise all the grounds before the trial Court. The personal appearance of the petitioner is dispensed with and she shall be represented by a counsel after filing appropriate application. However, the petitioner shall be present before the Court at the time of furnishing of copies, framing charges, questioning under Section 351 of BNSS and at the time of passing judgment. The trial Court is directed to complete the trial within a period of six months from the date of receipt of a copy of this Order.

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

05.06.2026

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
lok

G.K.ILANTHIRAIYAN, J.

lok

To

1. Principal District Court, Chengalpet
2.State of Tamil Nadu,
Represented by the Inspector of Police,
City Special Unit,
Vigilance and Anti Corruption,
Chennai-16
3.The Public Prosecutor,
High Court of Madras

Crl.OP.No.4014 of 2026

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