



Crl.OP.(MD).No.2061/2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 03.02.2026

CORAM :

THE HONOURABLE Mrs. JUSTICE N.MALA

Crl.OP.(MD).No.2061/2026

S.Sudalai Kannu

... Petitioner

Vs.

1.The Commissioner
Vigilance Commission,
Secretariat, Fort St George
Chennai 600 009.

2.The Director
Department of Vigilance & Anti Corruption
No.293, MKB Road, Alandur
Chennai 600 016.

3.The Deputy Superintendent of Police
Department of Vigilance and Anti Corruption
16/53A, Masilamani Nagar
Near Central Jail, Palayamkottai
Tirunelveli District.

... Respondents

Prayer: Criminal Original Petition filed u/s.528 of BNSS to direct the 3rd respondent Deputy Superintendent of Police to conduct further investigation in connection with the Crime No.7/2017 on the file of the 3rd respondent police and to complete the same by filing Final Report against all the proposed accused therein, in



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the light of the orders of this Court in Crl.OP.(MD).Nos.15875/2016 and 17227/2019 dated 20.10.2016 and 29.11.2019.

For Petitioner : Mr.M.J.Shabu Jose

For Respondents : Mr.B.Nambi Selvan
Additional Public Prosecutor

ORDER

(1)This petition is filed by the petitioner to direct the 3rd respondent Deputy Superintendent of Police to conduct further investigation in connection with the Crime No.7/2017 on the file of the 3rd respondent police and to complete the same by filing Final Report against all the proposed accused therein, in the light of the orders of this Court in Crl.OP.(MD).Nos.15875/2016 and 17227/2019 dated 20.10.2016 and 29.11.2019.

(2)The petitioner is a former Municipal Councilor at Palayapettai, Tirunelveli Municipality. The petitioner, from the reliable sources, learnt that some candidates who did not possess necessary and prescribed eligibility, were given admissions to Post Graduate Degree courses, M.A.[English] and M.Phil [English], at Manonmaniam Sundaranar University, during the academic years 2011-12 to 2014-15, in violation of the admission procedure then in vogue. The petitioner states that one N.Periyadurai, lodged a criminal complaint on 15.03.2016 against



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one Dr.P.K.Kalyani, Professor-cum-Head of the Department of English of the aforesaid University and based on the complaint, a detailed enquiry was conducted by the 3rd respondent, on the orders of the 2nd respondent-Director. The 3rd respondent, after completing the investigation, submitted a Draft Final Report to the Government seeking sanction as against 20 proposed accused since they were all Government servants. The petitioner further states that the Government sought sanction of the University for prosecution of the named 14 accused / proposed accused. The University initially accorded sanction for prosecution of two accused, namely, Dr.P.K.Kalyani and Dr.S.Prabahar.

(3) Pursuant to such sanction, Spl.CC.No.7/2019, came to be filed before the learned Chief Judicial Magistrate, Special Court for Trial Cases, Tirunelveli, against the aforesaid persons for the offences u/s.120[B], 167, 465, 468, 471 of IPC and 13[2] read with 13[1] and [d] [1&2] of the Prevention of Corruption Act, 1988. Thereafter, the complainant filed Crl.OP.(MD).No.9091/2019, before this Court seeking direction to the respondents to file the charge sheet in Cr.No.7/2017, in accordance with law within the time stipulated by this Court. This Court, by order dated 26.06.2019, disposed of the said Original Petition by recording the submission of the Investigating Officer that the Final Report would be filed within a period of three months.



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(4)The petitioner states that thereafter, series of litigations including contempt petitions ensued and the charge sheets came to be filed in Spl.CC.Nos.5, 6,7 and 8 of 2021, before the learned Chief Judicial Magistrate, Special Court for Trial Cases, Tirunelveli, against the aforesaid two accused for the offences u/s.120[B], 167, 465, 468, 471 of IPC and u/s.13[2] r/w 13[1] and [d][1&2] of the Prevention of Corruption Act. The second accused, namely, Dr.S.Prabahar, filed Crl.OP.(MD).Nos.19909, 19912, 19913, 19915/2021, to quash the charge sheets filed against him in CC.Nos.5, 6, 7 & 8/2021, and the 1st accused, Dr.P.K.Kalyani, also filed Crl.OP.(MD).No.3610/2022, to quash the charge sheet filed against her in CC.No.5/2021. The petitioner herein filed an application to implead himself in the aforesaid Original Petitions. This Court, vide common order dated 09.09.2022, allowed the aforesaid Criminal Original Petitions and quashed the charge sheets.

(5)The petitioner preferred a Special Leave Petition in SLP.[Criminal] Diary No. 9507/2023, before the Hon'ble Supreme Court, challenging the quashment of the charge sheets and the Hon'ble Supreme Court, by order dated 13.04.2023, dismissed the SLP. The petitioner states that thereafter, Dr.P.K.Kalyani, [1st accused], filed petitions to quash the remaining CCs against her and following the aforesaid orders, this Court, by a common order dated 10.09.2024, quashed



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CC.Nos.6, 7 and 8/2021. The petitioner, as defacto complainant, filed SLPs before the Apex Court, which also came to be dismissed. The petitioner further states that he filed WP.Crl.(MD).No.1940/2025, before this Court, seeking further investigation. However, this Court, by order dated 03.11.2025, dismissed the writ petition, granting liberty to the petitioner to challenge the order declining sanction as against the remaining 18 accused in the above said case, before the appropriate Forum, if so advised. The petitioner further states that though the charge sheets against A1 and A2 were quashed on technical grounds, the remaining 18 public servants, against whom sanction was sought, are still to be tried for their acts attracting punishment for forgery and corruption.

(6)The petitioner states that the University Syndicate, in its meeting held on 24.09.2021, passed a Resolution, according sanction for prosecution of the above said employees and authorised its Vice Chancellor to pass appropriate orders as to the sanction for prosecution. The petitioner further states that despite the Syndicate according sanction for prosecution of its employees, the respondents failed to take any steps. The petitioner states that the respondents were bound to complete the investigation against the remaining Government servants on the basis of the complaint dated 14.03.2016. The petitioner further states that this Court, in the order dated 29.11.2019, in Crl.OP.(MD).No.17227/2019, also



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observed that the offences committed by the Government servants were serious in nature. The petitioner states that under the circumstances, the blanket clearance accorded to the remaining accused, against whom sanction order was sought, cannot be permitted. The petitioner therefore states that he was constrained to file the above Criminal Original Petition for the aforesaid relief.

(7)The learned counsel for the petitioner submitted that the Syndicate, in its Resolution, accorded sanction for prosecution of the Government servants and authorised the Vice Chancellor to pass appropriate orders. However, sanction was accorded only for two of the Government servants, namely, Dr.P.K.Kalyani and Dr.S.Prabakar. The learned counsel further submitted that the charge sheets filed against the said accused, were quashed by this Court and confirmed by the Apex Court. The learned counsel submitted that earlier, the writ petition filed by the petitioner was dismissed as withdrawn by this Court since the petitioner was under the misconception that sanction for prosecution was not accorded. The learned counsel further submitted that this Court also granted liberty to the petitioner, to challenge the order declining sanction as against 18 accused before the appropriate Forum. The learned counsel further submitted that when the Syndicate had accorded sanction vide its Resolution dated 24.09.2021, the Vice Chancellor of the University ought not to have declined sanction. The learned



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counsel therefore prayed that the present Original Petition may be allowed.

(8)The learned Additional Public Prosecutor produced a letter of the Directorate of Vigilance and Anti Corruption, Chennai-16, dated 21.12.2021, and submitted that dropping of action was recommended as against 11 accused, namely, A3, A4, A6, A8 to A11, A13 to A15 to A17 and as regards A5, A7, A12, A18 and A19, it was recommended to initiate departmental disciplinary proceedings. The learned Additional Public Prosecutor submitted that in the light of the aforesaid communication, the prayer in the present petition was unsustainable and deserved to be rejected.

(9)Heard both sides and perused the materials placed on record.

(10)The submission of the learned counsel for the petitioner that the petitioner sought withdrawal of the earlier writ petition in WP.Crl.(MD).No.1940/2025, with liberty to challenge the order declining sanction in respect of other accused, was based on misconception of fact that the sanction was declined, cannot be countenanced in view of the petitioner's averments in paragraph No.21 of the affidavit, that ***"thus the blanket clearance given to the remaining accused against whom sanction was sought, cannot be permitted merely on the basis of quash of CCs of 2 other accused."***



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(11)Further, this Court in WP.Crl.(MD).No.1904/2025, granted liberty to the petitioner to challenge the order declining sanction before the appropriate Forum.

The petitioner for reasons best known to him, in stead of challenging the order, declining sanction, has filed the present Original Petition for the aforesaid relief.

(12)Be that as it may, in the light of the Letter of the Directorate of Vigilance and Anti Corruption, Chennai-16, dated 21.12.2021, recommending initiation of departmental disciplinary proceedings as against A5, A7, A12, A18 and A19, and dropping of action as against A3, A4, A6, A8 to A11, A13 to A15 to A17, this Court is of the view that the prayer in the present petition cannot be entertained.

(13)Under the circumstances, this Court finds no merit in the Original Petition and accordingly, the same is **dismissed**.

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Index : Yes/No
Internet : Yes/No

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N.MALA., J.

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