



CrIOP(MD)No.10459 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.06.2026

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrIOP(MD)No.10459 of 2026

R.Suresh Kumar

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep by the Additional Superintendent of Police,
Directorate of Vigilance and Anti Corruption,
Thoothukudi.

2.The State of Tamil Nadu,
Rep by the Deputy Superintendent of Police,
Directorate of Vigilance and Anti Corruption,
Thoothukudi.

3.The State of Tamil Nadu,
Rep by the Inspector of Police,
Directorate of Vigilance and Anti Corruption,
Thoothukudi.

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, to direct the Principal District Court, Thoothukudi to dispose of the protest petition in CrMP.No.3005 of 2025 within reasonable time by fixing a time for speedy disposal.



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For Petitioner : Mr.Arunan M.T.

For Respondents : Mr.A.Robinson
Government Counsel

ORDER

The petitioner is a former Deputy Superintendent of Police and as against him a criminal case has been registered in Crime No.7 of 2022 along with former circle Inspector of Police, Eral Police Station, Thoothukudi that the officers have failed to exercise their duty in accordance with law and failed to register a case on the complaint of one Royston Gagu and R.Devasdass Thomas Thavaraj. The complaint also discloses that this petitioner along with the Inspector of Police has demanded 10% commission from one S.Jegatheesan and J.Chenthilrajan on 29.05.2020 at about 2.30pm.

2.On this complaint a preliminary enquiry was conducted by the Vigilance and Anti Corruption Department and a report was submitted to the Director of Vigilance and Anti Corruption Department. Based on this report, an approval was given by the Government under Section 17A-1 of the Prevention of Corruption (Amended) Act



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[in short 'the Act'] vide GO(2D)No.152, Home (Police.2) Department dated 05.05.2022. Accordingly the criminal case was registered as against this petitioner and another in Crime No.7 of 2022 on the file of the Thoothukudi Vigilance and Anti Corruption Department for the offence punishable under Sections 120-B, 166-A, 34 of IPC and 7 of the Prevention of Corruption Act on 27.09.2022. The respondent police has conducted investigation, examined 53 witnesses, collected 40 documents and filed a report dropping further action. The informant on whose information the case has been registered was informed as per Section 173 (2)(ii)CrPC and it appears that the defacto complainant has filed a protest petition before the Chief Judicial Magistrate cum Special Court, Thoothukudi and the same is still pending. Therefore, the petitioner has filed this application seeking a direction to the trial court dealing with the protest petition to dispose of the same within a stipulated time.

3.The learned counsel for the petitioner submits that the petitioner / Deputy Superintendent of Police was suspended from service on 27.05.2025 in view of the registration of the criminal case. Due to the pendency of the protest petition in Crime No.7 of 2021, the suspension



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has not been revoked and therefore, the petitioner has approached this court seeking a direction to the learned Principal District Judge, Thoothukudi to dispose of the protest petition filed by the defacto complainant in CrlMP No.3005 of 2025 in Crime No.7 of 2021 within a reasonable time.

4.This petition was filed on 05.06.2026 and listed for hearing on 09.06.2026. The learned Government Counsel has circulated a 14 pages report of the Inspector of Police, Vigilance and Anti Corruption Department, Thoothukudi and submits that the defacto complainant has not prosecuted the protest petition and therefore, the same is pending without any progress. The Vigilance and Anti Corruption Department is not having any objection for issuing any direction to the trial court to dispose of the protest petition within a reasonable time.

5.This court has considered the rival submissions made.

6.It appears that the criminal case has been registered as against the petitioner by the Vigilance and Anti Corruption Department in the year 2022 after obtaining necessary permission from the Government under



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Section 17-A1 of the Act. A regular case was registered after conducting preliminary enquiry and based on the materials, the government has accorded permission for registration of a case and the Director has also directed registration of the case as against the petitioner in the year 2022 and accordingly approval was granted vide GO(2D)No.152, Home (Police.2) Department dated 05.05.2022. The case was also registered as against this petitioner and another in Crime No.7 of 2022 for the offence under Section 120-B, 166-A and 34 of IPC and 7 of the Prevention of Corruption, Act. The Additional Superintendent of Police, Vigilance and Anti Corruption Department, who has conducted investigation in Crime No.7 of 2022 has filed a report that a part of allegations has been held as against A2/ Inspector of Police and the complaint as against the petitioner Suresh Kumar/A1 has been closed as further action dropped, however with recommendation to initiate departmental action as against A1 and A2. Based on this report it appears the government has examined the final report of the Directorate of Vigilance and Anti-Corruption and issued GO(2D) No.25, Home (Police.2) Department dated 23.01.2023, to take disciplinary action against Pattani, formerly circle Inspector of Police, Eral Police Station, regarding the main allegations; GO(2D)No. 26, Home (Police.2) Department, dated 23.01.2023 was issued to take



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disciplinary action against R.Suresh Kumar, formerly DSP, Srivaikundam Sub Division, Pattani, Circle Inspector of Police, Eral Police Station and Palani, formerly Sub Inspector of Police, Sawyerpuram Police Station, regarding incidental recommendations; GO(2D) No.24, Home (Police.2) Department dated 23.01.2023 was issued dropping action with regard to certain main allegations as against Suresh Kumar, formerly DSP, Srivaikundam Sub Division, Pattani, formerly Circle Inspector of Police, Eral PS.

7.Further a closure report dated 06.03.2023 was filed before the Chief Judicial Magistrate cum Special Judge, Thoothukudi and subsequently numbered as CrIMP.No.18723 of 2024 dated 18.09.2024. While so, Chenthil Rajan filed three petitions in WP(MD)Nos.29558, 29559 and 29565 of 2023 to quash the above government orders and this court by order dated 27.11.2024 disposed of the writ petitions as follows:

“i.The impugned government order in GO.Ms.Nos. 24,25 and 26 Home (Police.2) Department, dated 23.01.2023 shall stand quashed.

(ii). The petitioner shall file a protest petition, if any, before the learned Chief Judicial Magistrate before whom the proceedings are pending, within two weeks from



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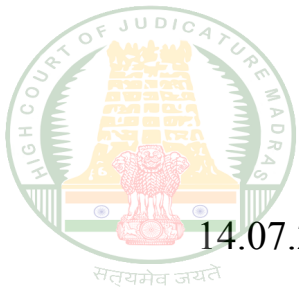


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the date of receipt of a copy of this order and the same shall be duly considered and appropriate orders may be passed in accordance with law;

(iii) As and when the final order, with reference to the final report, is passed by the learned Chief Judicial Magistrate, the first respondent will be entitled to pass government orders afresh, in tune with the said order of the appropriate court.”

8.The Vigilance and Anti Corruption Department has filed a final report before the Chief Judicial Magistrate cum Special Court, Thoothukudi only on 20.01.2025 and the related documents were filed on 17.02.2025. The learned Chief Judicial Magistrate has pointed out certain defects and they were rectified on 04.04.2025. Thereafter the copies were furnished to the defacto complainant on 02.06.2025. In the meantime as per the direction of this court in ROC.No.26691/2022/G3, dated 29.05.2025, this case was transferred to the Principal District and Sessions Court, Thoothukudi on 11.08.2025. The case was taken by the learned Principal District Judge on 18.08.2025 and the applications were re-numbered and pending in CrI MP.Nos.3005 and 3006 of 2025. It appears that counter was filed by the respondent police only on 19.11.2025 and now the case was posted for enquiry on



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14.07.2026. It appears that both petitioner and defacto complainant were not present for certain hearings. The petitioner was absent from 12.11.2025 till 22.04.2026.

9. When the petitioner has not appeared before the Principal District and Sessions Court from 12.11.2025 till 22.04.2026, he has filed this application seeking a direction to conclude the protest petition within a stipulated time, finding fault with the learned Principal District and Sessions Judge.

10. In this case, when this petition was listed for admission, strangely the Vigilance and Anti Corruption Department was fully prepared with written instructions running to 14 pages. This Court is appreciating the Vigilance and Anti Corruption Department for being ready with the case even in the admission stage. The same extent of interest shall also be shown in all other cases.

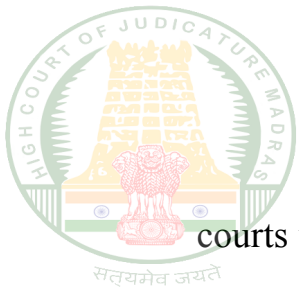
11. This court has verified with regard to the reasons for the pendency of the protest petition and it appears that Vigilance and Anti Corruption Department has filed the final report by examining 53



witnesses with 40 documents. While so naturally the counsel for the defacto complainant would be advancing an elaborate argument.

Further, as per the direction of this Court in ROC.No.26691/C/2022/G3, dated 29.05.2025, this case was transferred to the Principal District and Sessions Court, Thoothukudi on 11.08.2025. The Principal District and Sessions Judge is supposed to hear regular bail applications, conduct trials and also appeals. Apart from this, they are also entrusted with the administrative work. Therefore, this court cannot find fault with the Principal District and Sessions Judge warranting any direction.

12.It is pertinent to refer to the decision of the Hon'ble Supreme Court in ***High Court Bar Association, Allahabad vs. State of Uttar Pradesh & Ors [(2024) 6 SCC 267]***, wherein it was held that the Constitutional Courts should refrain from fixing a time-bound schedule for the disposal of cases pending before any other Courts in the ordinary course and the issue of prioritising the disposal of cases should be best left to the decision of the courts concerned where the cases are pending. The above decision was approved by the Hon'ble Supreme Court in ***Sangram Sadashiv Suryavanshi vs. State Of Maharashtra [2024 INSC 899]*** and it was observed that routinely issuing directions for time bound disposal without ascertaining the pendency of cases with the trial



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courts would adversely affect their functioning. The same was also reaffirmed recently by a Division Bench of this court in ***Ponmudi vs. The District Collector [W.P. No. 993 of 2026 dated 21.02.2026]***.

13.The protest petition in this case was originally filed before the Chief Judicial Magistrate Court cum Special Court, Thoothukudi on 11.12.2024. The final report and the required documents were filed by the investigating agency only on 04.04.2025 and the copies were furnished to the defacto complainant on 02.06.2025. While so the case was transferred to the Principal District and Sessions Judge, Thoothukudi on 11.08.2025. Thereafter the case has been listed before the learned Principal District and Sessions Judge on 20.09.2025. However, the petitioner was not present from 12.11.2025 till 22.04.2026. The case is now posted for enquiry on 14.07.2026.

14.The learned Principal and District Sessions Judge has also taken cognizance of the protest petition only in the month of August 2025. There are voluminous of documents, which needs to be appreciated along with the protest petition. It appears that the petitioner has not shown interest in defending the protest petition by appearing before the



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Court. The case is posted for enquiry on 14.07.2026. Therefore, in view

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of the guidelines and the circumstances referred above, this court is not inclined to entertain this petition petition. Accordingly, this criminal original petition is dismissed. However, the learned Principal District and Sessions Judge, Thoothukudi shall try to dispose of the protest petition in CrMP.No.3005 of 2025 as expeditiously as possible.

15.06.2026

DSK

To

- 1.The Principal District and Sessions Judge,
Thoothukudi.
- 2.The Additional Superintendent of Police,
Directorate of Vigilance and Anti Corruption,
Thoothukudi.
- 3.The Deputy Superintendent of Police,
Directorate of Vigilance and Anti Corruption,
Thoothukudi.
- 4.The Inspector of Police,
Directorate of Vigilance and Anti Corruption,
Thoothukudi.

Copy To

The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J

DSK

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