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Crl.O.P.No.8070 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 09.06.2026

Pronounced on: 16.06.2026

CORAM:

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

Crl.O.P.No.8070 of 2025 and
Crl.MP.No.5251 of 2025

M.Karuppiah Raja

... Petitioner

Vs.

1.State
Represented by,
Inspector of Police,
Vigilance and Anti-Corruption
City-V, Chennai
crime No.2 of 2023
2.V.Anbazhagan(deceased)

... Respondents

Prayer:

Criminal Original petition filed under Section 482 of Cr.P.C.
praying to call for the records and quash the FIR in crime No.2 of 2023
on the file of the first respondent police.

For Petitioner : Mr.S.Karthikeyan
for Mr.N.K.Ponraj

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



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ORDER

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The criminal original petition has been filed praying to quash the FIR registered in crime No.2 of 2023 on the file of the first respondent police.

2. The case of the prosecution is that the first accused is the Commissioner of Pallavaram Municipality, the second accused is the Municipal Engineer of Pallavaram Municipality and accused 3 to 5 are private individuals. It is ascertained through the entries found in the Local Fund Audit report that tender was awarded to M/s.Deepthi Enterprises for cleaning 184 toilets in 11 schools coming under the control of Pallavaram Municipality. It was on record that out of 184 toilets, 47 toilets were only used by staff and teachers of 11 schools who were engaged in examination paper valuation work during holidays in the year 2015. The first accused in connivance with M/s.Deepthi Enterprises created records as if 184 toilets were cleaned by them. Based on the incorrect records, the first accused paid full amount of Rs.8,55,000/- to M/s.Deepthi Enterprises. He was supposed to pay only a sum of Rs.1,70,000/-, but he had paid an excess amount of Rs.6,85,000/- and the same caused financial loss to Pallavaram Municipality to the said tune. It amounts to



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grave criminal misconduct. It is further alleged that the first accused,

during the year 2016, allotted toilet cleaning work for 11 schools of Pallavaram Municipality at the cost of Rs.9,75,000/- to the same M/s.Deepthi Enterprises by violating the Tamil Nadu Transparency in Tenders Act. The first accused further extended the work for one more year and paid a sum of Rs.1,10,40,000/- for the said work to M/s.Deepthi Enterprises. The first accused failed to obtain any previous administrative sanction from the Commissioner of Municipal Administration, Chennai.

The second accused failed to obtain any technical sanction from the Chief Engineer, Municipal Administration, Chennai for supply of Fenthion medicine to the value of Rs.4,92,487/-. There are no entries found in the stock register of Pallavaram Municipality during the year 2016 for the said purchase. There are no entries made in the distribution register of Pallavaram Municipality to show that Fenthion medicine said to be purchased for control of Elephantiasis was distributed to the public in a proper manner. The first accused paid the said sum towards purchase of Fenthion medicine and caused financial gain to Pyrethrum India Private Limited and caused financial loss to Pallavaram Municipality. On the said allegations, the first respondent registered FIR in crime No.2 of 2023 for the offences punishable under Sections 13(2) r/w 13(1)(c)(d) of Prevention of Corruption Act and Sections 120B, 406, 409 of IPC. The

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same is pending for investigation. While pending investigation, the petitioner, being the second accused, has filed this criminal original petition to quash the said FIR.

3. The learned counsel for the petitioner submits that the first accused already filed quash petition before this Court in Crl.OP.No.16673 of 2024 and the same was allowed by an order dated 06.01.2025. When the petitioner is also standing in the same footing as that of the first accused, he is also entitled for the same relief. Even as per the FIR, no offence is made out against the petitioner and there is no material to attract any of the offence as alleged by the prosecution. A notification was issued under Rule 110 by the Chief Minister of Tamil Nadu on 13.04.2015, thereby issuing general directions to all the Municipalities to provide 100% toilet and water facilities to all the schools through-out Tamil Nadu. The Government of Tamilnadu allotted a sum of Rs.1,60,77,00,000/- for the said project. The first accused received tenders and accordingly M/s.Deepthi Enterprises was allotted contract to clean 184 toilets in 11 schools coming under the Pallavaram Municipality. In fact, the petitioner assumed charges as Municipal Engineer, Pallavaram Municipality only on 08.01.2026. At the time of awarding contract, the petitioner was not even in the post of Municipal Engineer. The petitioner

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disbursed the payment to the said M/s.Deepthi Enterprises only for a period of two months while acting as Commissioner of Pallavaram Municipality, that too on the basis of report submitted by Sanitary Inspector.

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

5. On perusal of the counter filed by the first respondent and also on the submissions of the learned Counsel for Government of Tamil Nadu (Criminal Side) appearing for the first respondent, it is revealed that there are two accused, in which the petitioner is arrayed as A2. Though the first accused filed quash petition to quash the FIR in Crl.OP.No.16673 of 2024 and the same was allowed by this Court, aggrieved by the same, the first respondent preferred appeal before the Hon'ble Supreme Court of India and also obtained interim stay, thereby it has been clarified that the first respondent can proceed with the investigation and can file the final report. Further proceedings after filing final report alone cannot be commenced without the leave of the Hon'ble Supreme Court of India. Therefore, the order passed by this Court in Crl.OP.No.16673 of 2024 insofar as the first accused is concerned, cannot be adopted to the

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petitioner. Further, the petitioner had passed two bills in favour of

M/s.Deepthi Enterprises for the month of May and June 2018 while he was in charge of Commissioner of Pallavaram Municipality. The petitioner was working as Municipal Engineer in Pallavaram Municipality from 08.01.2016 to 21.06.2019. Further, the petitioner failed to obtain any technical sanction from Chief Engineer, Municipal Administration, Chennai and violated Government directions and had provided financial favour to the private parties. If the petitioner had followed the directions of the Government in allotting the above work which was estimated for a huge amount and floated tenders, large number of companies would have participated and the cost of the work would have been reduced and the funds of the Pallavaram Municipality would have been saved. By ignoring the Government directions, the petitioner had done financial favours to the private firms and caused loss to the exchequer.

6. Further, the accused persons along with M/s.Deepthi Enterprises had collected approximately a sum of Rs.17,98,200/- on the strength of the forged bills for the maintenance of toilet and shared the amount among themselves, thereby obtaining wrongful gain by causing wrongful loss to the exchequer. Now the entire investigation has been

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completed and the first respondent is also about to file the final report. In

view of the order passed by the Hon'ble Supreme Court of India, further

proceedings are pending. Further, private concern M/s.Deepthi

Enterprises was paid Rs.9,20,000/- per month and the amount of

Rs.3,33,925/- was paid as excess which caused loss to the exchequer.

Totally the said private party was paid excess amount of Rs.68,59,890/-

Therefore, there are specific allegations against the petitioner to attract

the aforementioned offences. Further, the FIR is not an encyclopedia and

it need not contain all facts and it cannot be quashed in its threshold. This

Court finds that, the FIR discloses prima facie commission of cognizable

offence and as such this Court cannot interfere with the investigation. The

investigating machinery has to step in to investigate, grab and unearth the

crime in accordance with the procedures prescribed in the Code.

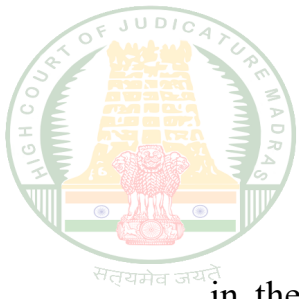
7. The Hon'ble Supreme Court of India passed in the judgment reported in **2019 (14) SCC 350** in the case of ***Sau. Kamal Shivaji Pokarnekar vs. The State of Maharashtra & ors., (Crl.A.No.255 of 2019*** dated **12.02.2019**) held that the learned Magistrate while taking cognizance and summoning, is required to apply his judicial mind only with the view to taking cognizance of the offence whether a *prima facie* case has been made out for summoning the accused person. The learned



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Magistrate is not required to evaluate the merits of the materials or evidence in support of the complaint, because the Magistrate must not undertake the exercise to find out whether the materials would lead to conviction or not. Only in a case where the complaint does not disclose any offence or is frivolous, vexatious or oppressive, the complaint/FIR can be taken for consideration for quashment. If the allegations set out in the complaint do not constitute the offence of which cognizance has been taken by Magistrate, it can be considered for quashment. Therefore, it is not necessary that a meticulous analysis of the case should be done before the trial to find out whether the case would end in conviction or acquittal. If it appears on a reading of the complaint and consideration of the allegations therein, in the light of the statement made on oath that the ingredients of the offence are disclosed, there would be no justification to interfere. At the initial stage of issuance of process, it is no open to the Court to stifle the proceedings by entering into the merits of the contentions made on behalf of the accused. Therefore, the criminal complaint cannot be quashed only on the ground that the allegations made therein appear to be of a civil nature. If the ingredients of the offence alleged against the accused are *prima facie* made out in the complaint, the criminal proceeding shall not be interdicted.

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8. Further the Hon'ble Supreme Court of India issued directions

in the judgment reported in **2021 SCC Online SC 315** in the case of

M/s.Neeharika Infrastructure Pvt. Ltd., Vs. State of Maharashtra &

ors., as follows :-

“23.

vi) *Criminal proceedings ought not to be scuttled at the initial stage;*

vii) *Quashing of a complaint/FIR should be an exception rather than an ordinary rule;*

.....

xii) *The first information report is not an encyclopaedia which must disclose all facts and details relating to the offence reported. Therefore, when the investigation by the police is in progress, the court should not go into the merits of the allegations in the FIR. Police must be permitted to complete the investigation. It would be premature to pronounce the conclusion based on hazy facts that the complaint/FIR does not deserve to be investigated or that it amounts to abuse of process of law. After investigation, if the investigating officer finds that there is no substance in the application made by the complainant, the investigating officer may file an appropriate report/summary before the learned Magistrate which may be considered by the learned Magistrate in accordance with the known procedure;*

.....



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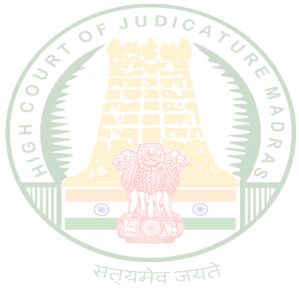
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xv) When a prayer for quashing the FIR is made by the alleged accused and the court when it exercises the power under Section 482 Cr.P.C., only has to consider whether the allegations in the FIR disclose commission of a cognizable offence or not. The court is not required to consider on merits whether or not the merits of the allegations make out a cognizable offence and the court has to permit the investigating agency/police to investigate the allegations in the FIR;”

9. In view of the above discussions, this Court is not inclined to quash the First Information Report. Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

16.06.2026

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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- 1.State
Represented by,
Inspector of Police,
Vigilance and Anti-Corruption
City-V, Chennai
- 2.The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

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