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Crl.O.P.Nos.32572 & 32655 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 03.06.2026

Pronounced on: 16.06.2026

CORAM:

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

Crl.O.P.Nos.32572 & 32655 of 2024 and
Crl.MP.Nos.22618, 22619, 22707 & 22708 of 2025

Crl.OP.No.32572 of 2025

R.Radhakrishnan

... Petitioner

Vs.

1.The State Represented by,
The Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Villupuram
(crime No.3/VAC/VAV/14)

2.S.Krishnamoorthy

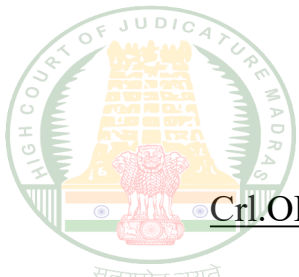
... Respondents

Prayer: Criminal Original petition filed under Section 528 of BNSS, 2023 praying to call for the records in Spl.C.No.2 of 2025 pending on the file of the learned Special Judge for Prevention of Corruption Act Cases, Villupuram and quash the same as against this petitioner.

For Petitioner : Mr.R.Vivekananthan

For Respondents

For R1 : Mr.R.Ganesh Kumar,
Counsel for Government of Tamil Nadu,
(Criminal Side)



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Crl.OP.No.32655 of 2025

G.Senthil Kumar

... Petitioner

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Vs.

State Represented by,
The Deputy Superintendent of Police,
Vigilance and Anti-Corruption Wing,
Villupuram
(crime No.3/2014)

... Respondent

Prayer: Criminal Original petition filed under Section 528 of BNSS, 2023 praying to call for the records in Spl.C.No.2 of 2025 on the file of the learned Special Judge for Prevention of Corruption Act Cases, Villupuram and quash the same.

For Petitioner : Mr.K.Prabakar
for Mr.D.Kannan

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

COMMON ORDER

Both the criminal original petitions have been filed praying to quash the proceedings in Spl.C.No.2 of 2025 on the file of the learned Special Judge for Prevention of Corruption Act Cases, Villupuram.

2. The petitioner in Crl.OP.No.32572 of 2025 is arrayed as A1 and the petitioner in Crl.OP.No.32655 of 2025 is arrayed as A4. The case



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of the prosecution is that the 1st accused namely R.Radhakrishnan was

working as Junior Assistant in M-4 Section of District Adi Dravidar

Welfare, Villupuram during the alleged period of years 2009 to 2010. 3rd

& 4th Accused, namely Boominathan and Senthil Kumar were former

Principals of Sri Adhi Sakthi Industrial School, Anandhapuram and

Kamban Industrial School, Koliyanur respectively during the said period.

For the disbursal of the Post Matric Scholarship to SC/ST student during

the academic year 2009-2010, the 1st accused, with criminal intention to

misappropriate the scholarship fund, had criminally conspired with

accused 3 and 4 to obtain personal gain to each other. In furtherance of

such conspiracy, the third accused created bogus claim application

supported with forged documents in the name of fictitious students and

received Rs.1,56,900/- on 28.12.2010 for the academic year 2009 to 2010

as if the students were undergoing education in his institution namely Sri

Adi Sakthi Industrial School, Anandhapuram. But actually, the said

Institution was not a recognized one. The 1st accused, having knowledge

of the bogus claim application supported with the forged document made

by the Petitioner / 4th Accused, illegally sanctioned and transferred the

post matric scholarship amount of Rs.2,25,960/- on 28.12.2010 in the

name of the Principal of Kamban Industrial School, Koliyanur, a non

recognized institution run by 4th Accused and for which, the 1st Accused

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has obtained illegal gratification other than legal remuneration from him.

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In the course of the above said process, the 1st accused wantonly failed to verify the claim made by the accused 3 & 4 with respect to the document submitted by both of them and failed to consider the recognition of the educational institution run by them and treated the forged documents as genuine one and by using those documents, framed incorrect records of pass order and forwarded the same for drawing proceeding for disbursal. Hence, final report was filed against the 1st accused u/s 167, 120-B, 409, 420, 468, 471, 477-A of IPC & sections 13 (2) r/w 13 (1) (c), 13(1) (d) of Prevention of Corruption Act, 1988 and against the accused 3 & 4 under sections 120B, 420, 468 & 471 IPC, pursuant to which the trial court had taken cognizance and framed charges as follows:

Al and A2 were entrusted with the scrutiny / verification, preparation and processing of the claim applications received from the educational institutions for Post Matric Scholarship awarded to uplift the educational status of the scheduled caste / scheduled tribe students.

For the disbursal of the Post Matric Scholarship to SC/ST student for the year 2009-2010, the accused here in, with an intention to misappropriate the scholarship fund had criminally conspired together to have personal gain to each other, have committed the following Acts, to with Al and A2, being public servants and are entrusted with verification and processing the disbursal of the claim



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applications to post matric scholarships, having knowledge of the bogus claim application supported with forged documents, dated 5.3.2010 for Rs.2,05,000/- made by A3 for 73 fictitious students for the academic year 2009-2010 as if those students are undergoing education on the respective trade in his institution when actually those trades were not recognized, A1 and A2 having obtained illegal claim other than legal remuneration from A3, have wantonly failed to verify the claim of A.... respect to the community certificate, income certificate of the students and the recognition of the trade imparted by A3's Institution, while processing his claim application.

In such course of processing, A2 relled the forged document submitted by A3 ill treated it to be genuine, framed an incorrect record of pass order on 15.03.2010 and forwarded the same for drawing proceedings for disbursal;

A1 In turn, having knowledge of the same have framed incorrect record proceeding vide Na.Ka.M4/14735/2010 dated 09.12.2010 and was Instrumentai In realizing Rs.2,05,500/- and cheating Government Exchequer, that apart,

A2 being the present Junior Assistant of M4 Section and the custodian of It proceeding vide Na ka. No. M4/14735/2010 dt.09.12.2010, having knowledge of the offence committed in the said claim of A3, have caused disappearance of the said proceedings



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Hence the act of A1, conspiring with A2 & A3 to have personal gain to each of the relying the bogus claim of A3 as genuine, one. framing Incorrect records dishonestly for the purpose of disbursal of the post matric scholarship fund in violation of Its terms by cheating the Government Exchequer and thereby having committed criminal misconduct punishable u/s 167,1208,471,460,477-4,420,409 of IPC & Sec 13(2) r/w 13(1) (c) 4 (1) (d) the PC Act, 1988 and

The act of A2 conspiring with A1 & A3 to have personal gain to each other, the bogus claim of A3 as genuine one. framing incorrect records dishonestly purpose of disbursal of the post matre scholarship fund in violation of its terms by cheating the Government Exchequer causing disappearance of proceedings No. Na. Ka. No.M4/147375/2010, dt.09.12.2010 and thereby, having committed criminal misconduct are punishable u/s 167,120-8.471,467,477-A,420,409, r/w 201 of IPC & 13(2) r/w 13(1)(c) & (d) of PC Act, 1988 and. The act of A3, with a criminal Intention to misappropriate the post matric scholarship fund had criminally conspired with A1 & A2 to have personal gain to each other, have claimed Rs.2,05,500/- vide his application dt. 05.03.2010, in the name of 73 fictitious students for the academic year 2009-2010 submitting forged documents as genuine one and thereby dishonestly misappropriated the fund for his own use and had cheated the Government Exchequer are punishable u/s 120-8,471,468,406 & 120 of IPC



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3. The learned counsel appearing for the petitioner in Crl.OP.No.32572 of 2025 submits that on information, the first respondent registered FIR in crime No.3/VAC/VPM/2014 dated 25.01.2014 alleging that the 1st accused disbursed funds to non-functional educational institutions but not actually disbursing any amount for any student and has misappropriated the entire amount of Sri Adhisakthi Catering Industrial School, Ananthapuram to the tune of Rs.2,90,340/- + Rs.58,500/-. It was further alleged that accounts and records were falsified in such a way boosting the total number of beneficiary students of Kamban Industrial School, Koliyanur to the tune of Rs.2,25,960/-, thereby false records were created on the basis of the forged documents by the existing institutions of Asian Catering Industrial School, Gingee to the tune of Rs.1,49,460/- + Rs.55,500/- and in the name of Asian Industrial School to the tune of Rs.2,05,500/-, in the name of Indian Industrial School, Koliuanur to the tune of Rs.3,46,920/- and in the name of Indian Computer Industrial School, Koliuanur to the tune of Rs.3,64,560/-. Therefore, according to the respondents there were 6 schools that produced fake documents with fictitious names of the students and claimed scholarships with the first and second accused and misappropriated the said amounts. However, the first respondent filed



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final report only against three accused i.e. two Department officials and

one of the schools i.e. one, Boominathan representing Asian Industrial

School, Gingee. Final report had been taken cognizance by the trial court

in Spl.C.No.5 of 2018 on the file of the learned Special Judge for

Prevention of Corruption Act Cases, Villupuram. After fulfilled trial,

the trial court convicted the accused by the judgment dated 29.04.2026.

Aggrieved by the same, the first accused preferred appeal and it is

pending. While pending trial, the first respondent filed another charge

sheet in the year 2025 and the same has been taken cognizance by the

trial court in Spl.C.No.2 of 2025 on the file of the learned Special Judge

for Prevention of Corruption Act Cases, Villupuram as against four

accused persons. The first and second accused are common to both the

charge sheets. In the first charge sheet, one of the schools was shown as

accused and in the present impugned proceedings, two of the schools

have been shown as accused. Still three schools are remaining without

charging them for any offence. The first charge sheet as well as the

second charge sheet are one and the same for the same charges and for

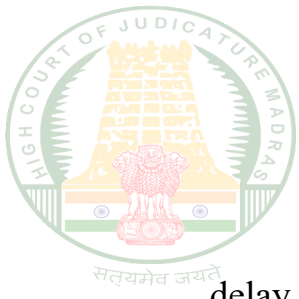
the very same set of facts and allegations. Once an accused is convicted,

once again for the very same set of charges, he cannot be prosecuted. It is

clear violation of Section 300 of Cr.P.C. as enshrined under Article 20(2)

of Constitution of India.

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3.1 The learned counsel further submits that there was huge delay in filing the second final report. The crime was registered in the year 2014. The first charge sheet was laid in the year 2018 and the same was taken cognizance in Spl.C.No.5 of 2018. Subsequently after a period of seven years from the first final report, the second final report has been filed in the year 2025 and the same has been taken cognizance in Spl.C.No.2 of 2025 which is under challenge in these petitions. Therefore, the principle of double jeopardy is clearly applied to this case and the petitioner cannot be prosecuted for the same set of charges twice. Even according to the prosecution, A1 and A2 are common in both the charge sheets and only the other accused are different. In fact, the charges are one and the same. On what pretext the respondent left the other schools in the first final report is not known and even in the second final report, only two schools have been shown as accused. The remaining three schools have been left without any charge for the reason best known to the prosecution. Therefore, the prosecution failed to explain the huge delay in filing the second final report, that too at the fag end of the trial on the first final report. Still the prosecution has reserved their further action as against the other three schools. In fact, FIR was registered with allegations that six schools had produced fake documents fabricating the recognition and fabricated the fictitious names of the students as if they



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are studying in their schools and claimed scholarship. The accused 1 and

2 sanctioned the scholarship on the same day for six schools. Anyway the

first accused was convicted and he is facing sentence. The second

accused died during the pendency of the trial. He further submits that

there is absolutely no new material available to conduct further

investigation. Even assuming that there are fresh materials available to

conduct further investigation, that too after commencement of trial in the

first final report, the prosecution ought to have obtained permission from

the trial court to conduct further investigation. In the case on hand, the

prosecution failed to obtain any permission from the trial court to conduct

further investigation and mechanically conducted further investigation

and filed additional final report. It is clear violation of the provision under

Section 193(9) of BNSS. The charges in both final reports are identical in

nature and as such, no second prosecution can be initiated for the very

same set of charges against the accused. It infringes their fundamental

rights as enshrined under Article 20(2) and 21 of Constitution of India.

Once the offence arising from the same set of facts had already been

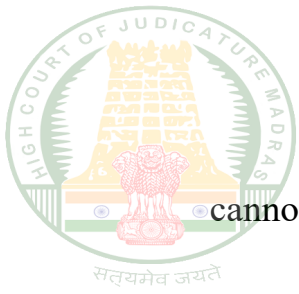
investigated and final report was filed and culminated into a trial, the

second final report based on the very same FIR on the very same set of

allegations is impermissible. In view of the above, the entire proceedings

arising pursuant to the second final report filed by the first respondent

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cannot be sustained and the same is liable to be quashed.

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4. The learned counsel for the petitioner in Crl.OP.No.32655 of 2025 submits that the petitioner is arrayed as A4. The same allegations were very much available with the first respondent even at the time of filing the first final report. Event then, the first respondent failed to charge the petitioner in any of the offences. He further submits that there is a huge delay in filing the second final report. Initially FIR was registered in the year 2014 and the first final report was filed in the year 2018. Thereafter, after a period of seven years from the first final report, the second final report has been filed and the same has been taken cognizance by the trial court. The said delay is not explained by the prosecution. Therefore, on this sole ground, the entire proceedings cannot be sustained and the same is liable to be quashed. Further, as far as A4 school is concerned, it was recognised in the year 2009 to 2012 temporarily. The petitioner also produced before this Court the reply received under Right to Information Act along with temporary recognition. Accordingly, M/s.Kamban Industrial School had been recognised for giving training to the students temporarily from 01.07.2009 to 30.06.2012. Therefore, the charge of fabrication of recognition of the school cannot be sustained since it is an unimpeachable



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document and need not be tested before the trial court. The said document can be considered by this Court to quash the entire proceedings.

5. In order to substantiate the grounds raised in these petitions, both the learned counsel for the petitioners relied upon several judgments of the Hon'ble Supreme Court of India.

6. In respect of the petitioner in Crl.OP.No.32572 of 2025, the first respondent filed counter and the learned Counsel for Government of Tamiil Nadu (Criminal Side) appearing for the first respondent submitted that as per the dictum of the Hon'ble Supreme Court of India and this Court, filing of multiple charge sheets on single FIR is not barred. Even though both the Spl.C.Nos.5 of 2018 and 2 of 2025 are emanated from the same FIR, the facts of both the cases are not identical. Spl.C.No.5 of 2018 is with regard to Asian Industrial School, Gingee, Villupuram District and the Spl.C.No.2 of 2025 is of Sri Adhi Sakthi Industrial School, Anandhapuram and Kamban Industrial School, Koliyanur. As such, both the cases in Spl.C.Nos.5 of 2018 and 2 of 2025 are not hit by the principle enunciated under Section 300 of Cr.P.C. and there is no infringement of the fundamental rights under Articles 20(2) and 21 of the Constitution of India.



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7. In respect of the petitioner in Crl.OP.No.32655 of 2025, the respondent filed counter and the learned Counsel for Government of Tamiil Nadu (Criminal Side) appearing for the respondent submitted that that even after sincere efforts, the original claim documents were not traceable due to the acts of all the accused. Further, the letter of Joint Director of Department of Employment and Training in Na. Ka. No.7435/E/2017 dated 21.12.2017 was received only during the year 2018, from which it was revealed that the institution run by accused 3 & 4 was non recognized institution. After completion of investigation, the draft final report dated 16.10.2018 was addressed to the Director of Adi-Dravidar Welfare, Chennai through DVAC in order to get sanction for prosecution. After several remainders, the sanction of prosecution was granted by the Additional District Collector (Revenue) of Villupuram in ROC.No.A2/4618/2017 dated 20.03.2020. While so, the State of Tamil Nadu implemented a lock down during 25th March 2020 and the same continued until March 2022. Due to Corona lock down and sanitization, this case bundle was mingled with some other case bundles. During 2024, when the Director of Adi-Dravidar Welfare sought for the present stage of the case, the case bundle was traced out and then, the case was taken on file in [Spl.C.No.2](#) of 2025. Due to the reason stated above, the delay was

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occurred and the said delay is neither willful nor wanton. During

investigation of the case in Crime No.3 of 2014, since the documents

pertaining to this case in Spl.C.No.2 of 2025 were not available, as per

the instructions of the DVAC, the case was investigated regarding the

offence committed pertaining to Asian Industrial School of Gingee,

Villupuram District alone. Since FIR is not an encyclopedia, the name of

the accused did not appear in the FIR. Further, as the 4th Accused is not

connected with the offence committed pertaining to Asian Industrial

School of Gingee, the 4th Accused is not added as an accused in

Spl.C.No.5 of 2018 by filling a supplementary report. After collection of

sufficient documents to file a regular case, the case in Spl.C.No.2 of 2025

is filed against R. Radhakrishnan and 3 others including the 4th Accused

since some of the named accused persons in the FIR are treated as

witnesses. Even though Spl.C.No.5 of 2018 and Spl.C.No.2 of 2025 are

arising from the same FIR, the facts in both the cases are not the same.

Spl.C.No.5 of 2018 is pertaining to Asian Industrial School of Gingee and

Spl.C.No.2 of 2025 is pertaining to Sri Aadhi Sakthi Industrial School,

Kozhipat Village of Villupuram District and Kamban Industrial School,

Koliyanur of Villupuram District. Hence, the case in Spl.C.No.2 of 2025

is not hit by the principle of double jeopardy and double prosecution.

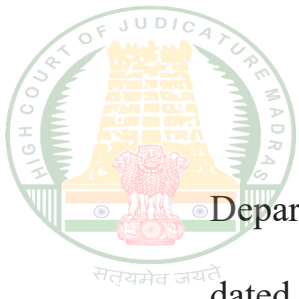


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7.1 From the statement of witnesses, it is clear that if the

witnesses were examined during trial, the chain of circumstances will be complete, rules out all other possible hypothesis other than the guilt of the petitioner and the same will link the petitioner / 4th Accused with the alleged act of forgery, cheating and misappropriation. Since Accused 1 & 2 being public servants who were entrusted with verification of the claim application regarding post matric scholarship and processing the same for disbursal, criminally conspired with 3 & 4 accused in order to obtain personal gain to each other and in furtherance of such conspiracy, by relying the bogus claims of accised 3 & 4 and treated the said claims as genuine one, framed incorrect records dishonestly for the purpose of disbursal of the post matric scholarship fund to the non recognized institutions run by accused 3 & 4 accused to the tune of Rs.1,56,900/-and Rs.2,25,960/- respectively and thereby all the accused cheated the Government exchequer. Since, the petitioner / 4th Accused knowing pretty well that the Kamban Industrial School of Koliyanur was a non recognized institution and in conspiracy with accused 1 & 2 made bogus claim application supported with forged documents and thereby made the accused 1 & 2 to transfer the post matric scholarship amount of Rs.2,25,960/-, the essential ingredients of Sections 420, 468, 471 and 120B of IPC are made out. From the letter of Joint Director of

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Department of Employment and Training in Na. Ka. No. 7435/E/2017

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dated 21.12.2017, it is evident that the Kamban Industrial School of Koliyanur is a non recognized institution. In the said document, it is clearly mentioned that the non recognized institutions are not eligible to claim post matric scholarship amount. The statement of LW's 1, 2, 3 & 4 are in support of the above said contentions. Contra to the same, the petitioner / 4th Accused received the amount of Rs.2,25,960/- on 28.12.2010 under the head post matric scholarship. Even though the original claim documents of this case are not traceable due to the acts of accused 1 & 2, the available documents makes it clear that all the accused committed forgery and deceived the Government. As per the statement given by the petitioner / 4th Accused to the investigation officer, it is clear that he runs the "Kamban Industrial School" without getting any recognition. The prosecution itself admitted that 1 & 2 accused, being the Government officials, failed to safeguard the original documents, but failed to safeguard them. At the same time, taking benefit of the same, the petitioner / 4th Accused cannot seek quash since sufficient documents are available in this case to prove the guilt of all the accused including the petitioner. Since the letter of Joint Director of Department of Employment and Training in Na.Ka. No.7435/E/2017 dated 21.12.2017 was received only during the year 2018, the key witness statements were

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recorded in the year 2018. In the said document, it is clearly mentioned that the non recognized institutions are not eligible to claim post matric scholarship amount.

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7.2 As such, the learned Counsel for Government of Tamil Nadu(Criminal Side) prayed for dismissed of both the criminal original petitions.

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

9. On perusal of records and on the submissions of the learned counsel appearing on either side, the following points arise for consideration:

(i) whether further investigation can be conducted without seeking permission from the trial court after commencement of trial?

(ii) whether the accused can be prosecuted when they were already convicted for the very same set of charges?

(iii) whether the delay caused by the prosecution in filing the additional final report causes any prejudice to the accused?



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(iv) whether this Court can go into the veracity of the document which is relied upon by the accused in the quash petition?

10. Admittedly, the first respondent registered one FIR in crime No.3/VAC/VPM/2014 dated 25.01.2014 for the offences punishable under Section 13(2) r/w 13(1)(c) & (d) of Prevention of Corruption Act, 1988 and Sections 167, 120B, 471, 465, 467, 477A, 420 and 409 of IPC. FIR was registered against four persons who are all officials of Adidravada Welfare Department, Villupuram District. The crux of the allegations is that the accused 1 to 4 entered into a criminal conspiracy having agreed to commit and abet each other in the commission of offences of framing incorrect records by public servants, falsification of accounts, offences of forgery for the purpose of cheating by public servants and the offence of using forged documents as genuine documents and cheated the exchequer and misappropriation of funds from the exchequer intended for scholarship to the Adidravida Welfare Schools. There were totally six schools involved in the commission of offence. Allegation was that funds were disbursed to non-functional educational institutions but not actually to any student and the entire amount of Rs.2,90,340/- + Rs.58,500/- was misappropriated by Sri Adhisakthi Catering Industrial School, and the accounts and records were

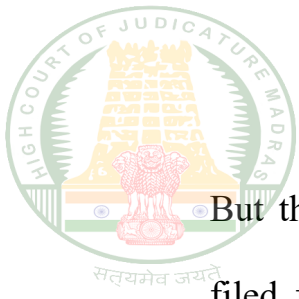


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falsified by boosting the total number of beneficiary students of Kamban

Industrial School to the tune of Rs.2,25,960/-. Further, false records were created on the basis of forged documents by the existing institutions called Asian Catering Industrial School, Gingee to the tune of Rs.1,49,460/- + Rs.55,500/-, Asian Industrial School, Gingee to the tune of Rs.2,05,500/-, Indian Industrial School, Koliyanur to the tune of Rs.3,46,920/- and Indian Computer Industrial School, Koliyanur to the tune of Rs.3,64,560/-. All the amounts were sanctioned and were eventually swindled by the accused. The students, in whose names scholarship was claimed during the year 2008-09 and 2009-10, have not actually studied in the institutions but studied in schools and colleges elsewhere. Thus, accused 1 to 4 with connivance of each other and also with the schools, falsified the records by including bogus names of persons who have not actually engaged in training in the institutions, thereby cheating the exchequer and caused monetary loss to the exchequer. Though six schools were involved in the crime by claiming scholarship in the fictitious names of students, the offences are one and the same. Accused 1 to 4 connived with each other and conspired with all those schools, sanctioned and misappropriated all the amounts with all other accused persons. Thus, there are no distinct offences against the accused. All the offences committed by the accused are one and the same.

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But the prosecution after completion of investigation in the year 2018, filed final report only against three accused i.e. 2 public servants and correspondent of one school by name M/s.Asian Industrial School, Gingee. The same had been taken cognizance by the trial court in Spl.C.No.5 of 2018.

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11. After fulfilled trial, the trial court convicted the accused by the judgment dated 29.04.2026. While pending trial, the second accused died. The trial court convicted A1 and A3 and sentenced them for the offence punishable under Sections 13(2) r/w 13(1)(d)(2) of Prevention of Corruption Act. The first accused was sentenced to undergo two years simple imprisonment with fine of Rs.10,000/- in default, to undergo three months simple imprisonment. The third accused was convicted for the offence punishable under Sections 468, 471 & 420 of IPC and was sentenced to undergo three years rigorous imprisonment with fine of Rs.10,000/- in default, to undergo three months simple imprisonment. At the fag end of the trial in Spl.C.No.5 to 2018, i.e. in the year 2025, the first respondent filed second final report for the very same set of charges by adding two other Principals /Correspondents of two other schools as accused. The second accused already died and A1 & A4 have filed these petitions to quash the entire proceedings on the above said grounds. It is

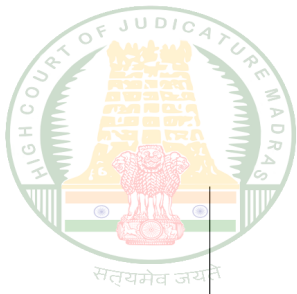
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relevant to extract the crux of the charges in both the final reports as follows:

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FIR in crime No.3/VAC/VAC/14	1 st Final Report in Spl.C.No.5 of 2018	2 nd Final Report in Spl.C.No.2 of 2025
Allegedly disbursement for non-functional educational institutions but not actually disbursing any amount for any student and misappropriating the entire amount of M/s. Sri Adhisakthi Catering Industrial School, Anandhapuram Rs.2,90,340/-+58,500/-, Falsified the accounts and framed records of M/s. Kamban Industrial School, Koliyanur - Rs. 2,25,960/- Created false records of M/s. Asian Catering Industrial School, Gingee-Rs. 1,49,460/- + 55,500/- M/s. Asian Industrial School, Gingee- Rs. 2,05,500/- M/s. Indian Industrial School, Koliyanur Rs.3,46,920/- M/s. Indian Computer Industrial School, Koliyur - Rs.3,64,560/-	During the said period between 2009-2010, A1-Junior Assistant of M-4 Section and A2-Junior Assistant of M-8 Section, of Adi Dravidar Welfare Office, Villupuram For the disbursal of the Post Matric Scholarship to SC/ST student for the year 2009-2010, the accused with an intention to misappropriate the scholarship fund had criminally conspired together to have personal gain to each other, having knowledge of the bogus claim application supported with forged documents, dated 05.03.2010 for Rs.2,05,500/-created by Boominathan/ A3-Boominathan (individual capacity-Ex. Principal of M/s. Asian Industrial School, Gingee), for 73 fictitious students. for the academic year 2009-2010 as if those	During the period between 2009 to 2010, A1 and A2, had wilfully failed to verify the claims submitted by A3-Boominathan- Ex. Principal of M/s. Sri Adhi Sakthi Industrial School and A4-Senthil kumar, Ex. Principal of M/s. Kamban Industrial School and facilitated the wrongful disbursement of scholarship funds amounting to Rs.1,56,900/- (on 28.12.2010) and Rs.2,25,960/- (on 28.12.2010) to the said institutions.



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students are undergoing education on the respective trade in his institution, when actually those trades were not recognized. Further, the petitioner and the other public servant have wantonly failed to verify the claim of the 3rd accused in respect to the community certificate, income certificate of the students and the recognition of the trade imparted by the 3rd accused institution, while processing his claim application. Thus the petitioner having knowledge of the same have framed incorrect records vide proceedings in Na.Ka.M4/ 14735/2010 dated 09.12.2010 and was instrumental in realizing Rs.2,05,500/- and cheating Government Exchequer

12. Therefore, both the charges are one and the same and only difference is that in the second final report, the first respondent added two other accused persons. In fact, so far as the first and second accused are concerned, all the materials were very much available even at the initial

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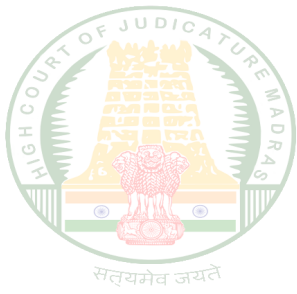
investigation and also while filing the first final report. Even then, the prosecution, without any reason and for the reasons best known to them, did not add the other accused persons as accused. Admittedly, the first respondent did not seek any permission from the trial court to conduct further investigation. During the trial, the first respondent conducted further investigation and filed the second final report before the very same trial court and the trial court mechanically had taken cognizance without considering the above facts and circumstances. It is clear violation of provision under Section 300 of Cr.P.C. It is relevant to extract the provision under Section 300 of Cr.P.C. hereunder:

300. Person once convicted or acquitted not to be tried for same offence:

(1) A person who has once been tried by a Court of competent jurisdiction for an offence and convicted or acquitted of such offence shall, while such conviction or acquittal remains in force, not be liable to be tried again for the same offence, nor on the same facts for any other offence for which a different charge from the one made against him might have been made under sub-section (1) of Section 221, or for which he might have been convicted under sub-section

(2) thereof.

(2) A person acquitted or convicted of any offence may be afterwards tried, with the consent of the State



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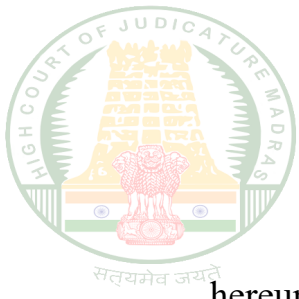
Government, for any distinct offence for which a separate charge might have been made against him at the former trial under sub-section (1) of Section 220.

(3) A person convicted of any offence constituted by any act causing consequences which, together with such act, constituted a different offence from that of which he was convicted, may be afterwards tried for such last-mentioned offence, if the consequences had not happened, or were not known to the Court to have happened, at the time when he was convicted.

(4) A person acquitted or convicted of any offence constituted by any acts may, notwithstanding such acquittal or conviction, be subsequently charged with, and tried for, any other offence constituted by the same acts which he may have committed if the Court by which he was first tried was not competent to try the offence with which he is subsequently charged.

(5) A person discharged under Section 258 shall not be tried again for the same offence except with the consent of the Court by which he was discharged or of any Court to which the first mentioned Court is subordinate.

(6) Nothing in this section shall affect the provisions of Section 26 of the General Clauses Act, 1897 ([10 of 1897](#)) or of Section 188 of this Code.



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13. It is relevant to extract Article 20 of the Constitution of India

hereunder:

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20. Protection in respect of conviction for offences

(1) No person shall be convicted of any offence except for violation of a law in force at the time of the commission of the act charged as an offence, nor be subjected to a penalty greater than that which might have been inflicted under the law in force at the time of the commission of the offence.

(2) No person shall be prosecuted and punished for the same offence more than once.

(3) No person accused of any offence shall be compelled to be a witness against himself.

14. Therefore, no person shall be prosecuted and punished for same offence more than once. As such, it bars the second prosecution only where the accused has been both prosecuted and punished for the same offence previously. In the case on hand, there is no distinct offences as per the two final reports as against the accused. In this regard, the learned counsel appearing for the petitioner in CrI.OP.No.32572 of 2025 relied upon the judgment rendered by the Hon'ble Supreme Court of India in the case of *T.P.Gopalakrishnan Vs. State of Kerala* reported in **(2022) 14 SCC 323**, wherein it is held as follows:

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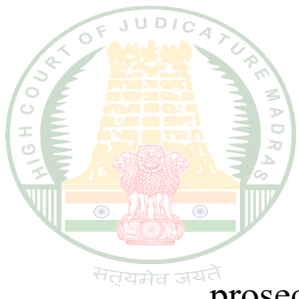


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“27. There are three conditions for the application of the clause. Firstly, there must have been previous proceeding before a court of law or a judicial tribunal of competent jurisdiction in which the person must have been prosecuted. The said prosecution must be valid and not null and void or abortive. Secondly, the conviction or acquittal in the previous proceeding must be in force at the time of the second proceeding in relation to the same offence and same set of facts, for which he was prosecuted and punished in the first proceeding. Thirdly, the subsequent proceeding must be a fresh proceeding, where he is, for the second time, sought to be prosecuted and punished for the same offence and same set of facts. In other words, the clause has no application when the subsequent proceeding is a mere continuation of the previous proceeding, for example, where an appeal arises out of such acquittal or conviction. In order to sustain a plea of double jeopardy, it must be shown that all the aforesaid conditions of this clause are satisfied”

15. Thus it is clear that the above said provisions bars the trial of a person not only for the same offence but also for any other offence of the same facts. Further The concept of double jeopardy can also be understood in terms of [Article 21](#) of the Constitution of India which states that no person shall be deprived of his life or personal liberty except according to procedure established by law. As such, The above judgment is squarely applicable to the case on hand.

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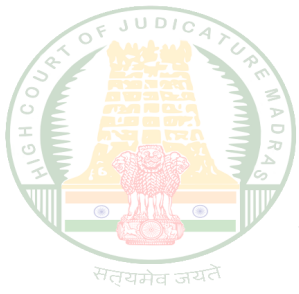
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16. The petitioner in CrI.OP.No.32572 of 2025 is now

prosecuted again for the second time for the very same set of allegations and offence. Hence, the entire proceedings cannot be sustained and the same is liable to be quashed. Admittedly, the first respondent without seeking any permission from the trial court conducted further investigation and filed second final report. In this regard, the learned counsel for the petitioner relied upon the judgment of the Hon'ble Supreme Court of India in the case of ***Paliniswamy Veeraraja and others Vs. State of Karnataka and another*** reported in ***2026 SCC Online SC 940***, wherein it is held as follows:

“8. We now consider the rival contentions. The short question which arises for consideration is whether it was open for the investigating authorities to initiate further investigation into the same set of allegations after closure report had been filed twice and whether the same could have been done in the absence of express permission from the Magistrate. A secondary question in these facts is whether the dispute inter se parties is civil in nature and, therefore, the recourse to criminal law would be unjustified.

9. On both these questions, the law is no longer res integra. True it is that, as held in Rama Chaudhary v. State of Bihar, the text of Section 173(8) CrPC does not explicitly mandate seeking of permission



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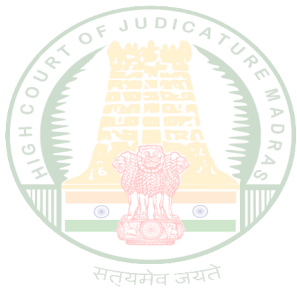


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from the Magistrate and neither does 193(9) BNSS.

However, the proviso to the said Section mandates that permission of the Court is explicitly required once the trial has begun. Even though the statute does not require express permission, the law as it has developed, has made abundantly clear that seeking of permission from the concerned Magistrate has evolved into a requirement. In Vinay Tyagi v. Irshad Ali, it has been held as follows:

“49. Now, we may examine another significant aspect which is how the provisions of Section 173(8) have been understood and applied by the courts and investigating agencies. It is true that though there is no specific requirement in the provisions of Section 173(8) of the Code to conduct “further investigation” or file supplementary report with the leave of the court, the investigating agencies have not only understood but also adopted it as a legal practice to seek permission of the courts to conduct “further investigation” and file “supplementary report” with the leave of the court. The courts, in some of the decisions, have also taken a similar view. The requirement of seeking prior leave of the court to conduct “further investigation” and/or to file a “supplementary report” will have to be read into, and is a necessary implication of the provisions of Section 173(8) of the Code. The doctrine of contemporanea expositio will fully come to the aid of such interpretation as the matters which are understood and implemented for a long time,



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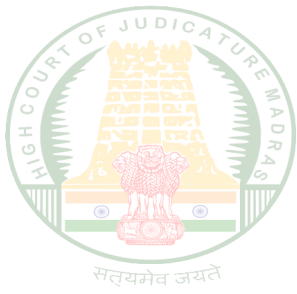
and such practice that is supported by law should be accepted as part of the interpretative process.

This proposition was approved in Vinubhai Haribhai Malaviya v. State of Gujarat and reiterated in Peethambaran v. State of Kerala⁸. Recently, in Robert Lalchungnunga Chongthu v. State of Bihar, this Bench observed as follows:

“21. Before parting with this matter, we deem it fit to issue the following directions:

*(i) In view of Vinay Tyagi v. Irshad Ali, it can be seen that the ‘leave of the court’ to file a supplementary chargesheet, is a part of Section 173(8) CrPC. That being the position, in our considered view, the Court is not rendered functus officio having granted such permission. **Since the further investigation is being made with the leave of the Court, judicial stewardship/control thereof, is a function which the court must perform.***

*(ii) Reasons are indispensable to the proper functioning of the machinery of criminal law. They form the bedrock of fairness, transparency, and accountability in the justice system. **If the Court finds or the accused alleges (obviously with proof and reason to substantiate the allegation) that there is a large gap between the first information report and the culminating chargesheet, it is bound to seek an explanation from the investigating agency and satisfy itself to the propriety of the explanation so furnished.***



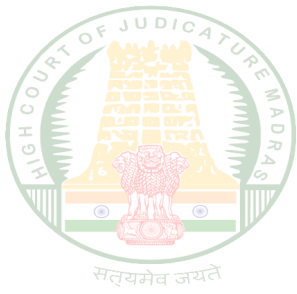
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The direction above does not come based on this case alone. This Court has noticed on many unfortunate occasions that there is massive delay in filing chargesheet/taking cognizance etc. This Court has time and again, in its pronouncements underscored the necessity of speedy investigation and trial as being important for the accused, victim and the society. However, for a variety of reasons there is still a lag in the translation of this recognition into a reality.

*(iii) While it is well acknowledged and recognised that the process of investigation has many moving parts and is therefore impractical to have strict timelines in place, at the same time, the discussion made in the earlier part of this judgement, clearly establishes that investigations cannot continue endlessly. The accused is not out of place to expect, after a certain point in time, certainty- about the charges against him, giving him ample time to preparing plead his defence. **If investigation into a particular offence has continued for a period that appears to be unduly long, that too without adequate justification, such as in this case, the accused or the complainant both, shall be at liberty to approach the High Court under Section 528 BNSS/482 CrPC, seeking an update on the investigation or, if the doors of the High Court have been knocked by the accused, quashing. It is clarified that delay in completion of investigation will only function as one of the grounds, and the Court, if in its wisdom, decides to entertain this***



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application, other grounds will also have to be considered.

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(iv) Reasons are not only important in the judicial sphere, but they are equally essential in administrative matters particularly in matters such as sanction for they open the gateway to greater consequences. Application of mind by the authorities granting or denying sanction must be easily visible including consideration of the evidence placed before it in arriving at the conclusion.

[emphasis in original]”

17. Proviso to Section 193(9) BNSS mandates that permission of the Court is explicitly required once the trial has begun. Even though the statute does not require express permission, the law as it has developed, has made abundantly clear that seeking of permission from the concerned Magistrate has evolved into a requirement.

18. In the light of the legal position as settled by the Hon'ble Supreme Court of India, it is safe to say that the power to direct further investigation in a case rests solely at the discretion of the court. In the event when the investigation agency is of the opinion that further investigation is necessary in any particular case to cull out the complete facts and truth, they are bound to file an appropriate application before the trial court without directing an order for further investigation by



themselves.

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19. In the case on hand, there is no record to show that it is based on new materials gathered during the trial to conduct further investigation. That apart, the first respondent did not file an application before the trial court seeking permission to conduct further investigation. Therefore, on what basis and on what circumstances the first respondent conducted further investigation is a million dollar question. The first respondent conducted very slabby investigation and filed final report only against three accused persons initially. Without warranting any circumstances, and without availability of any new material or record, the first respondent on its own conducted further investigation and filed final report for the very same set of allegations against the very same parties by adding two other accused. Therefore, further investigation and filing of second final report cannot be sustained for the reason that the first respondent failed to obtain permission from the trial court to conduct further investigation, that too at the fag end of the trial.

20. Further, FIR was registered in the year 2014 and the first final report was filed in the year 2018. After a period of seven years from the date of filing of the first final report, the second final report was filed

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by the first respondent. There is huge delay of 14 years from the date of the alleged occurrence i.e. in the year 2010. For the said occurrence, FIR was registered in the year 2014 and the first final report was filed in the year 2018. Therefore, there is huge delay in filing the final report and it is not even explained by the prosecution with proper reasons. In this regard, clause 3 of the above judgment is clearly applicable to the case on hand. Therefore, if the delay appears to be unduly long, this Court can exercise the jurisdiction under Section 528 of BNSS/ 482 of Cr.P.C. to quash the entire proceedings on the ground of delay also.

21. The learned counsel for the petitioner in CrI.OP.No.32655 of 2025 vehemently contended that the petitioner was temporarily recognised by the authority concerned and in order to substantiate the same, the reply received under the Right to Information Act from the authorities concerned was produced. It reveals that the fourth accused school was temporarily recognised for the year 2009 to 2012 by the communication dated 12.07.2010. Therefore, though this Court cannot go into documents relied upon by the defence before this Court under Section 482 of Cr.P.C., it can be done considering the rare and exceptional cases where the court may consider unimpeachable evidence while exercising jurisdiction for quashing under Section 482 of the



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Cr.P.C. Therefore, in the interest of justice, this Court can make such order as may be necessary to prevent the abuse of process of court and in order to secure the ends of justice, this Court can exercise the powers under Section 482 of Cr.P.C. to quash the proceedings by considering the unimpeachable document produced by the accused.

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22. Further, a cumulative reading of the materials placed on record would demonstrate that the very foundation of the prosecution case has completely collapsed, inasmuch as the allegation that the fourth accused was an unrecognised institutions stands clearly contradicted by the information furnished under Right to Information Act by the very same Directorate of Employment and Training, which has furnished the recognition certificate and unequivocally confirmed the recognised status of the fourth accused institution. Further, the first respondent has proceeded on a patently erroneous and factually unsustainable premise, ignoring unimpeachable public documents of sterling character and the continuation of criminal proceedings against the fourth accused would amount to clear abuse of process of court.

23. In view of the above discussion, the entire impugned proceedings cannot be sustained against both the petitioners and the same



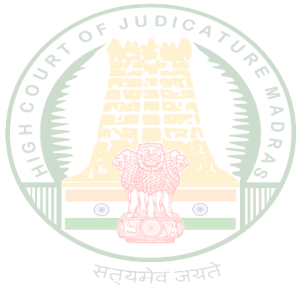
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is liable to be quashed. Accordingly, both the criminal original petitions are allowed and the impugned proceedings are quashed in respect of the petitioners. Consequently, connected miscellaneous petitions are closed.

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16.06.2026

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

- 1.The learned Special Judge for Prevention of Corruption Act Cases,
Villupuram
- 2.The State Represented by,
The Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Villupuram
- 3.The Public Prosecutor,
High Court of Madras

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