

Crl.OP.No.17964 of 2026

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2026

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CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.OP.No.17964 of 2026

and

Crl.MP.No.12005 of 2026

E.V.Velu

...Petitioner

Vs.

The State of Tamil Nadu,
Represented by the Deputy Superintendent of Police,
Special Investigation Cell-1,
Vigilance and Anti-Corruption,
Directorate of Vigilance and Anti-Corruption,
No.293, M.K.N. Road, Alandur,
Chennai-600016.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharathiya Nagarik Suraksha Sanhita, 2023/Section 482 of the Code of Criminal Procedure, 1973, to quash the First Information Report registered by the Respondent in V and AC Headquarters Crime No.3 of 2026, dated 24.06.2026 insofar as the same concerns the Petitioner (A-1) and the Notice dated 30.06.2026 issued under Sections 35(3) to 35(6) BNSS by the Respondent to the Petitioner, and all investigation and proceedings pursuant thereto.

For Petitioner : Mr.Sidharth Luthra,
Senior Counsel



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For Respondent : Mr.R.John Sathyan,
Public Prosecutor
Assisted by
M/s. Arun Anbumani,
Government Advocate (Crl.Side)

ORDER

This criminal original petition has been filed praying to quash the FIR registered in crime No.3 of 2026 dated 24.06.2026 on the file of the respondent registered for the offence punishable under Sections 120B, 420, 409, 468, 471 r/w 109 of IPC and Sections 7(c) and 13(2) r/w 13(1)(a) and r/w Section 12 of Prevention of Corruption Act, 1988 as amended in 2018 and the notice dated 30.06.2026 issued under Sections 35(3) to 35(6) of BNSS, thereby directing the petitioner for his appearance before the investigation officer for enquiry.

2. Mr.R.John Sathyan, learned Public Prosecutor assisted by Mr.Arun Anbumani, learned Government Advocate (Criminal Side) takes notice for the respondent and seeks time to file counter affidavit.

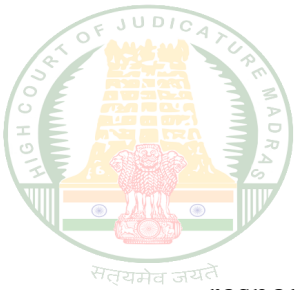
3. The learned Senior Counsel appearing for the petitioner raised specific ground to quash the FIR that Section 17A of Prevention of Corruption Act provides that no police officer shall conduct enquiry or investigation into any offence committed by a public servant without



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previous approval from the authority competent to remove the public servant from office at the time when the offence was alleged to have been

committed. He further submitted that Article 164(1) of the Constitution of India provides that Chief Minister shall be appointed by the Governor and other Ministers shall be appointed by the Governor on the advice of the Chief Minister. The power to appoint, and correspondingly the power to remove, a minister therefore vests, in constitutional terms, in the Governor and not in 'the State Government' as an executant department functioning on the aid and advice of the Council of Ministers under Article 163. Therefore, the authority competent to remove the petitioner is the Governor. However, the previous approval dated 23.06.2026 said to have been granted under Section 17A of Prevention of Corruption Act vide Government letter No.AC/411-2/2026, Public (S.C.) Department was issued by and in the name of the State Government / Home Department, neither on the face of the record, discloses placement before nor any independent application of mind by the Governor of Tamil Nadu to the question of according approval for enquiry or investigation against the petitioner. Therefore, the very registration of FIR itself is vitiated and the same is non-est in the eye of law. In support of his contention, the learned Senior Counsel appearing for the petitioner relied upon several judgments of the Hon'ble Supreme Court of India.



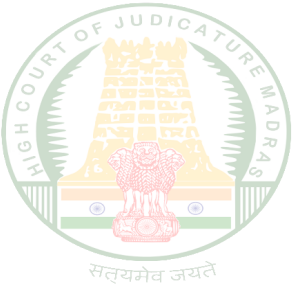
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4. Per contra, the learned Public Prosecutor appearing for the respondent submitted that the petitioner would come under the provision of Section 17A (c) of Prevention of Corruption Act. Therefore, there is no need to get prior approval from the Governor of Tamil Nadu to prosecute the petitioner.

5. In view of the above submission, post the matter on 28.07.2026. Till then, the investigation officer may proceed with the investigation and the investigation officer is directed not to file final report. Investigation officer is further directed not to take any coercive steps to secure the petitioner till then.

09.07.2026

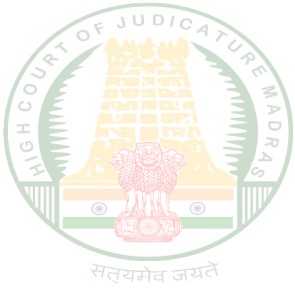
Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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- 1.The Deputy Superintendent of Police,
Special Investigation Cell-1,
Vigilance and Anti-Corruption,
Directorate of Vigilance and Anti-Corruption,
No.293, M.K.N. Road, Alandur,
Chennai-600016.
- 2.The Public Prosecutor,
High Court of Madras



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