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W.P.Crl.No.2077 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 14.08.2026

DELIVERED ON : 14.08.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

WP Crl.No.2077 of 2026
and WPMP Crl.Nos.751 and 752 of 2026

Ramesh
S/o.Thangavelan,
No.9, T.Chelladipalayiam East Street,
Thoranakalpatti Post, Thanthoni,
Tirumanilaiyur, Karur - 639 003.

Petitioner(s)

Vs

The Union of India
rep by the Secretary to Government,
Department of Personnel and Training,
Ministry of Personnel, Public Grievances
and Pensions, North Block,
New Delhi - 110 001
and 4 others

Respondent(s)

For Petitioner(s): Mr.V.Ragavachari, Senior Counsel
for Ms.Pavitra Sankar S.



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For Respondent(s): Mr.AR.L.Sundaresan,
Additional Solicitor General
asst by Mr.B.Rabu Manohar, SCGC
for R1

Mr.Siddhartha Dave, Senior Counsel,
asst by Mr.M.Guruprasad,
State Govt Pleader for R2

Mr.Arun Anbumani,
Additional Public Prosecutor for R3

Mr.John Sathyan,
State Public Prosecutor
asst by Mr.Arun Anbumani,
Additional Public Prosecutor
for R4 and R5

ORDER

THE CHIEF JUSTICE

This petition has been filed under Article 226 of the Constitution, seeking a declaration that Section 17 of the Prevention of Corruption Act, 1988 cannot be read as an independent, self-contained power of arrest that overrides the safeguards under Sections 35, 36, 47, 48 and 62 of the Bharatiya Nagarik Suraksha Sanhita, 2023, and for a writ of certiorari to quash V&AC Headquarters Crime No.05 of 2026, dated 28.07.2026, along with all proceedings that follow from it. Pending disposal of the writ



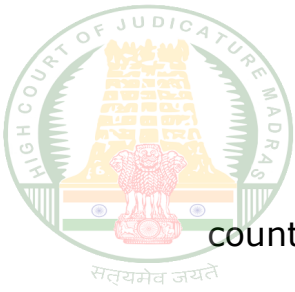
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petition, the petitioner asks this Court to stay all further proceedings and investigation in the said crime number.

2. Mr.V.Raghavachari, learned Senior Counsel appearing on behalf of the petitioner, has taken the court through the affidavit and documents filed in support of the petition and made the following submissions:

(A) The petitioner is a private individual running a fitness centre in Karur. He was not named as an accused anywhere in V&AC Headquarters Crime No.05 of 2026 registered on 28.07.2026. Neither the list of seven accused in Annexure-A nor the eleven-page narrative in Annexure-B contains his name or any reference to him. He was nonetheless later treated as accused No.8, arrested on 30.07.2026 and remanded to judicial custody on 31.07.2026.

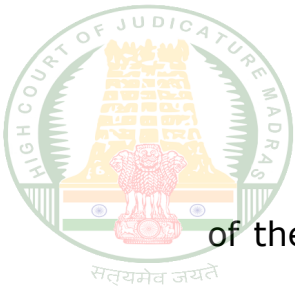
(B) It is pointed out that the FIR itself explains how this case came to be registered. It records that the Additional Chief Secretary, Home, Prohibition and Excise Department, forwarded a letter dated 25.07.2026 enclosing two petitions and a copy of the



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counter-affidavit filed by the Directorate of Enforcement in SLP (Crl.) No.7958 of 2025, a case in which the State, through the Home Department, had itself challenged the Enforcement Directorate's search, seizure and recording of statements at TASMAC as illegal, coercive and beyond jurisdiction. The Supreme Court had stayed further coercive action arising from that very material by its orders dated 22.05.2025 and 14.10.2025 in SLP (Crl.) Nos.7958 of 2025 and 8048-8049 of 2025. He emphasized that the same Home Department which had called this material coerced and unlawful before the Supreme Court has now used it, without any independent verification, as the foundation for registering a fresh FIR, and that this amounts to a colourable exercise of power that overreaches the pending proceedings and the protective orders of the Supreme Court.

(C) On the contents of the FIR, it is submitted that it deals with several unconnected transactions, such as bar tenders across six districts, transport tenders for 45 depots, demand drafts, dealings between bottle suppliers and distilleries, brand approvals, and transfers of TASMAC officials spread over 2020 to 2025. None



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of these allegations, he submits, mentions the petitioner, attributes any act to him or connects him to any of the named transactions, payments or documents. He highlighted that the FIR does not disclose any act of entrustment, deception, conspiracy or abetment against the petitioner, which are the essential ingredients of the offences invoked.

(D) The arrest of the petitioner did not arise from anything in this FIR at all. The petitioner had earlier been in custody in a separate case, Crime No.205 of 2026 on the file of D-1 Triplicane Police Station, and had obtained bail on 28.07.2026. He submits that despite the release order reaching the prison at about 3.00 pm on 30.07.2026, the prison authorities kept him inside until about 6.30 pm, after which he was taken into custody at the prison gate itself by the officials of the Vigilance and Anti-Corruption in connection with the present crime, even though he was not named in it. He points out that this timing shows the arrest was intended to defeat the bail he had secured, rather than to investigate any offence disclosed against him.



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(E) It is emphasized that no notice under Section 35(3) of the BNSS was issued to the petitioner before arrest and that the grounds of arrest were not furnished to him in any meaningful way before he was produced before the Special Judge on 31.07.2026. He submits that the material relied on by the prosecution for the petitioner's implication was not anything found in this FIR, but an alleged "*confession statement*" said to have been recorded from him in the earlier case, Crime No.205 of 2026. He hastened to add that no such statement was ever made by the petitioner; he declined to sign it when it was read over to him in the presence of the Special Judge, and he had already complained in writing to the Governor, the Director General of Police and the Commissioner of Police that he was being pressured to give a false statement implicating the former Minister, V.Senthil Balaji, and his brother. He submits that, under Section 181(1) of the BNSS, the signature of a person cannot be taken on a police statement at all, and that under Section 23 of the Bharatiya Sakshya Adhiniyam, 2023 such a statement is not admissible except to the extent it leads to a discovery, and no discovery is attributed to the petitioner in the case at hand.



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(F) He submits that continuing the investigation against the petitioner in this FIR, when the FIR is silent about him and the only material said to connect him to it is a disputed and unsigned statement taken from an unrelated case, would amount to using the criminal process to build a case against a third party rather than to investigate any offence against the petitioner himself.

3. Mr.Siddhartha Dave, learned Senior Counsel appearing on behalf of the second respondent, submitted that:

(A) The first part of the prayer seeking to declare Section 17 of the Prevention of Corruption Act *ultra vires vis-à-vis* BNSS cannot be granted, as both enactments are Central statutes and one cannot be declared *ultra vires* the other.

(B) Annexure-B to the FIR expressly records that the accused involve "*Distillery/Brewery Companies, Transport firms/Companies, and other unknown public servants of TASMACH and others.*" The petitioner falls under the category of "*others*". The case was not



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registered solely on the counter affidavit of the Directorate of Enforcement, and serious allegations are involved.

(C) In respect of the same FIR, the Supreme Court, vide order dated 31.07.2026 in SLP (Crl.) Diary No. 45695 of 2026 filed by co-accused V.Senthil Balaji, stayed the arrest/FIR until further orders, subject to the condition that the petitioner therein joins and cooperates with the ongoing investigation.

4. Mr.AR.L.Sundaresan, learned Additional Solicitor General appearing on behalf of the first respondent, submitted that no cogent legal ground has been made out to strike down or read down Section 17 of the PC Act. He added that the petitioner cannot challenge the correctness or evidentiary merits of an FIR by way of a writ petition under Article 226 of the Constitution of India, when the remedy lies elsewhere and when the statutory investigation authorities possess the requisite jurisdiction.

5. Mr.John Sathyan, learned Public Prosecutor appearing on behalf of respondent Nos.4 and 5, submitted that the petitioner is



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closeely associated with accused No.7. Phone contacts recovered reveal calls with numerous TASMACH officials, establishing that the petitioner and accused No.7 operated as the key facilitators for illegal hawala transactions. He added that the State authorities took a cue from materials placed before the Supreme Court and verified them with corroborative documents. The case involves financial transactions running into hundreds of crores of rupees, presenting grave allegations that warrant full investigation.

6.1. Refuting the arguments advanced by the respondents, Mr.V.Raghavachari, learned Senior Counsel for the petitioner, in reply, submitted that bail was granted to the petitioner in the earlier crime in the morning, and on the very same day, around 8:30 PM, the present FIR was registered. This demonstrates clear political motivation and an attempt to overreach the High Court's bail order to keep the petitioner in continuous custody. All records now relied upon were already available with the State.



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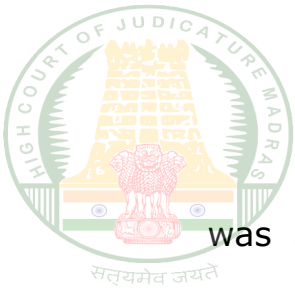
6.2. He further submitted that the contents of the present FIR and the counter affidavit of the Directorate of Enforcement filed before the Supreme Court are identical.

6.3. He submitted that the constitutional challenge to Section 17 of the PC Act is already pending consideration before this Court in a connected petition and, therefore, it was not expanded at length while arguing this petition.

6.4. He further submitted that the allegations concerning hawala transactions raised by the learned Public Prosecutor were specifically considered by this Court in the earlier proceedings prior to granting bail.

7. We have heard learned counsel and gone through the affidavit, the FIR and the annexures placed on record.

8. The main issue raised is that the petitioner was granted bail in Crime No.205 of 2026 on 28.07.2026. Immediately thereafter, he

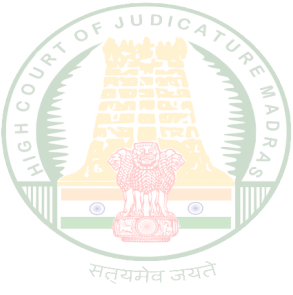


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was again arrested at the gate of the prison on 30.07.2026 in connection with Crime No.05 of 2026. It is submitted that this is done with *mala fide* intention, when the earlier case has been stayed by this court vide order dated 29.7.2026 in W.P. Crl.No.1840 of 2026. This fact gains significance as the fact remains that the petitioner is not an accused in the present case. The issues raised need to be considered by this court after affording opportunity to all the parties.

9. In such view of the matter, to balance the rights and protect the interest, we deem it fit to pass an interim order staying all further proceedings and investigation in V&AC Headquarters Crime No.05 of 2026, dated 28.07.2026, insofar as it concerns the petitioner, pending disposal of this writ petition.

13. List this petition along with W.P. (Crl.) Nos.1840, 1928 and 1931 of 2026 on 27.8.2026.



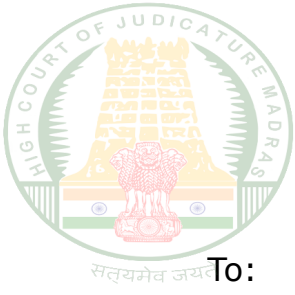
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The respondents may file their counter-affidavits on or before the next date of hearing, after serving a copy in advance on the petitioner's counsel.

(SUSHRUT ARVIND DHARMADHIKARI,CJ) (G.ARUL MURUGAN,J)

14.08.2026

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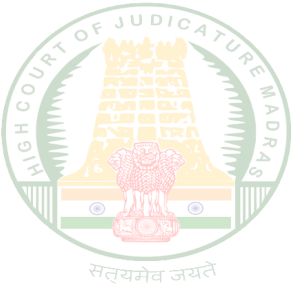


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To:

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1. The Secretary to Government,
Union of India
Department of Personnel and Training,
Ministry of Personnel, Public Grievances
and Pensions, North Block,
New Delhi 110 001.
2. The Secretary to Government,
State of Tamil Nadu,
Human Resources Management (N)
Department, Fort St. George,
Secretariat, Chennai - 600 009.
3. The Additional Chief Secretary to
the Government, State of Tamil Nadu
Home, Prohibition and Excise Department,
Fort St. George, Secretariat,
Chennai - 600 009.
4. The Director
Directorate of Vigilance and Anti-Corruption,
No.293, MKN Road, Alandur,
Chennai - 600 016.
5. The Inspector of Police
Special Investigation Cell-II,
Directorate of Vigilance and Anti-Corruption,
No.293, MKN Road, Alandur,
Chennai - 600 016.



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THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

(sasi)

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