



Crl.OP(MD).No.16492 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

ORDER RESERVED ON : 07.08.2026

ORDER PRONOUNCED ON : 17.08.2026

CORAM

THE HONOURABLE MR JUSTICE R.VIJAYAKUMAR

**Crl.O.P(MD).No.16492 of 2026
and Crl.MP(MD).Nos. 15997 & 15998 of 2026**

Balaji

...Petitioner/Accused No.1

Vs

1.The State of Tamil Nadu
Rep.by its Deputy Superintendent of Police
CBCID (OCU), Trichy

....1st Respondent/Complainant

2.Tamilmaran
Assistant Commissioner of Police
Law and Order
Golden Rock Range
Trichy City
Trichy District

...2nd Respondent/Defacto Complainant

Prayer: Petition is filed under Section 528 of BNSS, 2023, to call for the entire records pertaining to the case in S.T.C.No.2018 of 2025 on the file of the Judicial Magistrate No.VI, Trichy and quash the same.

For Petitioner : Mr.S.Rajesh Kanna

For Respondent : Mr.P.Samuel Gunasingh
Government Advocate (Crl.side) for R1



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ORDER

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The present petition has been preferred by the first accused in S.T.C.No.2018 of 2025 on the file of the learned Judicial Magistrate No.VI, Trichy, seeking to quash the charge sheet whereunder the petitioner, along with another accused, stands arraigned for offences punishable under Sections 171-E and 511 of the Indian Penal Code and Section 129 of the Representation of the People Act, 1951.

(A) Factual Matrix:

2. A perusal of the charge sheet discloses that the petitioner was, at the relevant point of time, functioning as a Writer at the Government Hospital Police Station, Trichy City. The second accused was an Advocate practising at Trichy and was also the Deputy Organiser of the Advocates' Wing of a particular political party. In the run-up to the Tamil Nadu Assembly Elections of the year 2021, the second accused was in regular communication with various police stations for obtaining permission to conduct election campaigns and for altering the timings thereof. It is alleged that the election of a candidate of his party would enure to his benefit, and that he accordingly arranged for monies to be paid to the police stations at the rate of Rs.2,000/- per police official, as an inducement to cast their postal votes in favour of his political party.



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3. It is further alleged in the charge sheet that on 24.03.2021 at about 2.00 p.m., the second accused visited the Government Hospital Police Station, Trichy, met the first accused and obtained from him the list of police officials attached to the said station. Thereafter, the second accused handed over 23 covers, each containing Rs.2,000/-, for distribution among the police officials of that station. The said covers were received by A1, placed in a plastic box, and kept in the locked bureau under his control.

4. It is further alleged that on 27.03.2021 the Commissioner of Police, Trichy, received secret information to the effect that a particular political party was attempting to distribute money to the police personnel serving within the limits of the Trichy West Assembly Constituency. A Special Squad was constituted to conduct a search, and the District Election Officer/District Collector deputed revenue officials to form part of the said team.

5. It is further alleged that on 27.03.2021 at about 4.30 p.m. a search was conducted at the Government Hospital Police Station, Trichy, in the course of which A1 took out the plastic box containing 23 covers, each containing Rs.2,000/-, and handed the same over to the Special Squad. A report was thereafter submitted to the Office of the City Police Commissioner, pursuant to which a First Information Report came to be registered by the CCB, Trichy, for the offence under Section 171-E of the



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Indian Penal Code read with Section 129(3) of the Representation of the People Act.

6. The First Information Report was initially registered by the Inspector of Police, CCB, Trichy, in Crime No.13 of 2021 on 27.03.2021. Thereafter, under the orders of the Director General of Police, the investigation was transferred to the CBCID (OCU), Trichy, and the case was re-registered in Crime No.1 of 2021 on 28.03.2021 for offences under Sections 171-E and 511 of the Indian Penal Code and Section 129(3) of the Representation of the People Act. Upon completion of investigation, a charge sheet was laid before the learned Judicial Magistrate No.VI, Trichy, in March 2025, and the same was taken on file in S.T.C.No.2018 of 2025.

7. The second accused, an Advocate said to be the Deputy Organiser of the Advocates' Wing of a political party, moved this Court in Crl.O.P. (MD).No.19949 of 2025 seeking to quash the charge sheet. By order dated 01.06.2026, the charge sheet was quashed insofar as he was concerned.

8. It is against the above backdrop that the present petition has been filed by A1 to quash the charge sheet.

(B) Submissions on either side:

9. Learned counsel for the petitioner would submit that the first and the second accused stand on an identical footing and are charged with the



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selfsame offences. The charge against the second accused having been quashed by this Court in Crl.O.P.(MD).No.19949 of 2025, the charge sheet as against the petitioner is, on the principle of parity, equally liable to be quashed.

10. Learned counsel would further submit that the offence under Section 171-E of the Indian Penal Code is punishable with imprisonment which may extend to one year, or with fine, or with both; that the offence under Section 129 of the Representation of the People Act is punishable with imprisonment which may extend to three months, or with fine, or with both; and that the punishment prescribed under Section 511 of the Indian Penal Code is one-half of the imprisonment for life or, as the case may be, one-half of the longest term of imprisonment provided for the offence attempted to be committed.

11. It is contended that the charge sheet, having been laid only after a lapse of four years, is plainly barred by limitation, and that the trial Court ought not to have taken cognizance thereof having regard to Section 468 of the Code of Criminal Procedure. Learned counsel would point out that the very plea of limitation has already been upheld by this Court while quashing the charge sheet as against A2 in Crl.O.P.(MD).No.19949 of 2025, and that the charge sheet against the petitioner must meet the same fate.



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12. It is further submitted that the petitioner was summoned to the Office of the Commissioner in the early hours of 27.03.2021, and that the search at the police station came to be conducted only in the afternoon. When the complainant arrived to conduct the search, the key was already in his possession, and he directed the petitioner to open the bureau. This circumstance, it is urged, demonstrates that the case is a got-up one, designed to harass the petitioner and the other police officials of the station.

13. Learned counsel would also submit that the complainant has since been placed under suspension by his superior officers for his illegal activities, which fortifies the plea that he foisted a false case upon the petitioner and sought to tarnish the reputation of the other officials of the station concerned.

14. It is lastly submitted that the statements recorded under Section 161 of the Code of Criminal Procedure are riddled with contradictions and inconsistencies, which would establish that the case has been foisted with an ulterior motive and solely to harass the petitioner and the other police officials of the station.

15. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent police would submit that an application under Section 473 of the Code of Criminal Procedure was moved before the trial Court seeking condonation of delay in laying the charge sheet, and that the



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same was allowed on 07.03.2025. It was only thereafter that the charge sheet was taken on file. The contention that the charge sheet was laid beyond the period of limitation and that cognizance ought not to have been taken is, therefore, factually incorrect. He would further point out that the order passed under Section 473 of the Code has not been assailed.

16. The learned Government Advocate (Criminal Side) would further submit that PW1 was examined-in-chief and partly cross-examined on 25.10.2025, and that his cross-examination was continued on behalf of A2 on 03.11.2025. Several witnesses have since been examined, and PW20 was examined-in-chief and cross-examined on 09.07.2026 by the petitioner himself. The present petition came to be filed only thereafter, on 29.07.2026. Once the trial has commenced and substantial progress has been made, a prayer for quashing of the charge sheet cannot be countenanced.

17. It is further submitted that the charge sheet as against the second accused was quashed by this Court on the ground that he had been implicated solely upon the confession of the co-accused, namely A1, and that there was no recovery from A2. The petitioner, therefore, does not stand on the same footing as A2: he gave a confession, and a sum of Rs.46,000/-, contained in 23 covers of Rs.2,000/- each, was recovered from the bureau under his control. Reliance is placed upon the seizure mahazar and the confession of



A1.

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18. It is further submitted that, upon the Commissioner of Police, Trichy, receiving secret information regarding the distribution of cash at police stations to influence postal ballots, the Writers of all police stations falling within the Trichy West Constituency were summoned to the Office of the Commissioner in the morning along with their keys. After a preliminary enquiry, they were taken to their respective stations, where the bureaus were opened in their presence and the monies recovered. The petitioner was thus present at the Commissionerate from the morning with the key of the bureau, and the bureau was opened in the afternoon in his own presence. The suggestion that the money could have been planted in the bureau during his absence is, therefore, factually unsustainable.

19. The learned Government Advocate (Criminal Side) placed reliance upon the statements of LW2 and LW5 recorded under Section 161 of the Code, and invited the attention of the Court to the evidence of PW2. He would submit that even assuming there exist contradictions or inconsistencies in the statements of the list witnesses, the same cannot furnish a ground for quashing the charge sheet; such statements must be tested in cross-examination during trial. Indeed, the petitioner has chosen to cross-examine twenty witnesses before approaching this Court. This Court cannot embark



upon a mini-trial to ascertain the truth or veracity of the statements of the list witnesses, more so when the trial is at an advanced stage. He accordingly prayed for dismissal of the petition.

20. Heard the learned counsel appearing on either side and perused the material records.

(C) Discussion:

21. It emerges from the charge sheet that the petitioner, who was functioning as a Writer at the Government Hospital Police Station, Trichy, at the relevant time, is alleged to have received a sum of Rs.46,000/- from the second accused, segregated into 23 covers of Rs.2,000/- each, for disbursement among the other police officials of the station as an inducement to cast their postal ballots in favour of the political party concerned.

22. The charge sheet further discloses that upon receipt of secret information, the Commissioner of Police, Trichy, communicated the same to the District Collector/District Election Officer, Trichy, who constituted a Special Squad, deputing revenue officials to form part thereof, for the purpose of conducting a search. After a preliminary enquiry at the Commissionerate, the Squad proceeded to the police station in question and recovered the money from the bureau kept under the control of the first



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accused. The entire recovery is stated to have been videographed on a mobile phone by an Armed Reserve police official, namely Manikandan, who is cited as L.W.No.4, and the pen-drive containing the footage, supported by a certificate under Section 65-B of the Indian Evidence Act, is marked as material object.

23. The investigating agency moved an application under Section 473 of the Code of Criminal Procedure Crl.M.P.No.4362 of 2024 before the trial Court and obtained an order dated 07.03.2025 condoning the delay in laying the charge sheet, and it was only thereafter that the charge sheet was taken on file. In these circumstances, the contention of learned counsel for the petitioner that the charge sheet is barred by limitation under Section 468 of the Code cannot be countenanced.

24. A perusal of the record further reveals that the trial commenced on 25.10.2025 with the examination-in-chief and cross-examination of PW1. Prior to the filing of the present petition, twenty prosecution witnesses have been examined-in-chief and cross-examined; indeed, the petitioner himself cross-examined PW20 on 09.07.2026. The trial has thus made substantial progress and is at an advanced stage.

25. When this Court passed the order dated 01.06.2026 quashing the



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charge sheet as against the second accused, it was not brought to the notice of the Court that the trial had already progressed, nor that an application under Section 473 of the Code had been allowed by the trial Court. The charge sheet plainly discloses that the money was distributed with the object of bribing police personnel to cast their postal votes at the 2021 Assembly Elections. The case projected by the second accused in Crl.O.P.(MD).No. 19949 of 2025, however, was that the money in the hands of the police personnel was never distributed to voters and that, consequently, no offence under Section 171-E of the Indian Penal Code was made out. The First Information Report and the charge sheet make it clear that the money was intended to bribe the police officials to cast their own postal votes, and was not handed over to them for distribution among members of the general public.

26. The allegations against the petitioner are serious in nature, and the charge sheet discloses a prima facie case against him. Having regard to the fact that the trial had reached an advanced stage even before the present petition was filed, this Court is not inclined to entertain the prayer for quashing. It is well settled that inconsistencies or contradictions in the statements of list witnesses recorded under Section 161 of the Code are matters to be addressed at trial, where their veracity may be tested through



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proper cross-examination.

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27. The order passed under Section 473 of the Code was not brought to the notice of this Court when the quash petition filed by A2 was heard. A2 had been implicated solely upon the confession of A1, which did not lead to any recovery from him. The petitioner cannot, therefore, claim parity with the second accused.

28. The observations made herein are confined to the disposal of the present quash petition. The trial Court is directed to dispose of the case on its own merits and in accordance with law, uninfluenced by any of the observations made by this Court.

(D) Conclusion:

29. For the foregoing reasons, the petition is devoid of merit and this Criminal Original Petition is accordingly dismissed. Consequently, the connected miscellaneous petitions are closed.

17.08.2026.

Internet : Yes/No
Index : Yes/No
NCC : Yes/No
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To

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- 1.The Judicial Magistrate No.VI
Trichy
2. The Deputy Superintendent of Police
CBCID (OCU), Trichy
- 3.The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai

R.VIJAYAKUMAR, J.

msa

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and Crl.MP(MD).Nos. 15992 & 15998 of 2026



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