



Crl.O.P.No.27263 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2024

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.27263 of 2023
and Crl.M.P.No.18921 of 2023

Devi

... Petitioner

Vs.

1. The Deputy Superintendent of Police,
Vigilance and Anti-Corruption Department,
Thiruvannamalai.

2. The Inspector of Police,
Vigilance and Anti-Corruption Department,
Thiruvannamalai.

3. Venkatachalam

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, pleaded to call for records pertaining to the First Information Report in Crime No.02 of 2023 dated 29.03.2023 and quash the same against the petitioner.



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For Petitioner : Mr.Aravind Subramaniam, Senior Advocate
for M/s.V.Akshaya Kamala
For R1 & R2 : Mr.S.Santhosh
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings against the petitioner in the First Information Report in Crime No.02 of 2023 on the file of the second respondent police.

2. Learned Senior Counsel appearing for the petitioner submitted that the petitioner is an innocent person and she has not made any demand of bribe, whereas, the cash was placed on her table without her knowledge and she had been falsely trapped in this case. He further submitted that the petitioner, who is aged about 34 years, has two small children and she is also pursuing her Bachelor of Engineering in part time. Therefore, he prayed to quash the proceedings in the First Information Report in Crime No.02 of 2023 on the file of the second respondent.



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3. Per contra, the learned Government Advocate (Crl.Side) appearing for the first and second respondents submitted that it is the case, where, the petitioner, who was working as a Commercial Inspector in TANGEDCO, Mallavadi, Tiruvannamalai, had demanded bribe for giving domestic electricity connection to the house of the *de facto* complainant's son. He further submitted that the *de facto* complainant's son had given an application on 21.03.2023 seeking electricity connection for his newly constructed house, for which, the petitioner had demanded him a sum of Rs.16,000/-. When the *de facto* complainant questioned her that the deposit amount was only Rs.5000/-, she replied that the balance amount was for herself and other officials in the Department. Thereafter, she had inspected the house of the *de facto* complainant's son on 24.03.2023 and when the *de facto* complainant had once again gone to the petitioner's office on 27.03.2023, she had reiterated the demand. Thereby, the *de facto* complainant had given the complaint to the respondent Police, based on which, the case in Crime No.2 of 2023 was registered on 29.03.2023.



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4. He further submitted that pursuant to the complaint, a trap was laid by the respondent Police and the petitioner was caught red handed while receiving the bribe amount. He also submitted that the investigation in this case has been completed and the draft final report has also been sent to the appropriate authority for obtaining sanction. He further submitted that the grounds raised by the petitioner are matter for trial and no grounds have been made for quashing the First Information Report. Thereby, he prayed for dismissal of the petition.

5. At this juncture, the learned Senior Counsel for the petitioner submitted that in the event that this Court is not inclined to quash the proceedings, a direction may be issued to the respondent Police to file the final report/charge sheet within a specified period, so as to enable to the petitioner to get along with the trial.

6. Heard the learned Senior Counsel for the petitioner and the learned Government Advocate (Crl.Side) for the first and second respondents and perused the materials available on record.



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7. It is the case of the petitioner that she is an innocent person and a false complaint has been registered against her and a fake trap has been conducted and thereby, the present petition has been filed seeking to quash the First Information Report. However, it is the case of the respondent that based on the complaint by the *de facto* complainant, a trap was laid and the petitioner was caught red-handed while receiving the bribe amount and the phenolphthalein test conducted at the spot also proved positive. It is also submitted by the respondent that based on the materials available, the respondent has completed the investigation and also ready to file the final report and awaiting sanction from the appropriate authority.

8. Having perused the records, this Court is of the opinion that the grounds raised in the petition are matter for trial and that they cannot be decided in the quash petition. Therefore, this Court is not inclined to quash the proceedings in the First Information Report in Crime No.2 of 2023, on the file of the second respondent.



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9. In the result, this Criminal Original Petition stands dismissed.

However, the respondents Police are directed to file the charge sheet as expeditiously as possible, preferably, within a period of three months from today. Consequently, the connected miscellaneous petition is also closed.

02.01.2024

Index : Yes / No
Speaking / Non-speaking
Neutral Citation : Yes / No
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To

1. The Deputy Superintendent of Police,
Vigilance and Anti - Corruption,
Thiruvannamalai.
2. The Inspector of Police,
Vigilance and Anti-Corruption Department,
Thiruvannamalai.
3. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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