



Crl.O.P(MD)No.4090 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 02.04.2024

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CORAM :

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.O.P.(MD)No.4090 of 2024

and

CrI.M.P.(MD).Nos.3236 & 3237 of 2024

S.Pethulakshmi

.. Petitioner

Vs.

1.State Through
The Inspector of Police,
Vigilance and Anti-Corruption Wing,
Ramanathapuram.

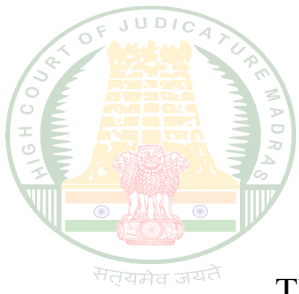
2.The Deputy Superintendent of Police,
Vigilance and Anti-Corruption Wing,
Ramanathapuram.
(Crime No.11 of 2023)

.. Respondents

PRAYER: Criminal Revision has been filed under Section 482 of the Criminal Procedure Code, to call for the records in connection with the case registered in Cr.No.11 of 2023, on the file of the respondent police, Vigilance and Anti-Corruption Wing, Ramanathapuram for the offence under Section 7 of the Prevention of Corruption (Amendment) Act, 2018 filed on 20.10.2023 and quash the same as against the petitioner.

For Petitioner : Ms.Nithya Sowmya

For Respondents : Mr.S.Ravi,
Additional Public Prosecutor



Crl.O.P(MD)No.4090 of 2024

ORDER

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This Criminal Original Petition has been filed to quash the FIR in Crime.No.11 of 2023, on the file of the respondent police, Vigilance and Anti-Corruption Wing, Ramanathapuram for the offence under Section 7 of the Prevention of Corruption (Amendment) Act, 2018 registered on 20.10.2023.

2.The second respondent Vigilance Inspector, received the secret information on 10.10.2023 about the receipt of the bribe amount from the public people through the document writer and the touts and the petitioner who was the in-charge Sub-Registrar, also received huge amount of bribe and left the office with huge amount of cash to her home. When she was about to get into the bus, the respondent officers intercepted her and made a search in her bag and found unaccounted amount of Rs.1,84,500/-. In the bag some other incriminating documents were also found. Thereafter, she was taken to the Sub-Registrar's Office in Velipattinam and all the ledgers were checked and prima facie found that the said amount was unaccounted amount. Consequently, house search was conducted in her house and huge amount of unaccounted cash and gold jewels and number of documents suspecting to be benami transactions were recovered. The respondent registered the case under Section 7 of the Prevention of Corruption



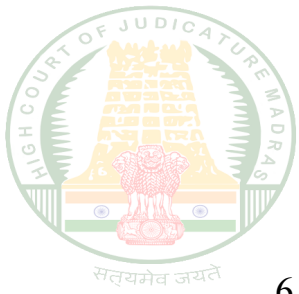
Crl.O.P(MD)No.4090 of 2024

(Amendment Act) 2018 in Crime No.11 of 2023 and the investigation is pending. The petitioner has filed this quash petition to quash the proceedings.

3.The learned counsel for the petitioner would submit that the search was not made in accordance with law and the petitioner's explanation was not accepted and there is no prima facie material to constitute the offence under Section 7 of the Prevention of Corruption Act, and hence, the continuation of the criminal proceedings against the petitioner is abuse of process of law and hence, he seeks to quash the proceedings.

4.The learned Additional Public Prosecutor would submit that unaccounted amount of Rs.1,84,500/- was recovered and FIR was registered under Section 7 of Prevention of Corruption Act, and the investigation is in the incipient stage and hence, he seeks to dismiss the petition.

5. This Court considered the rival submissions made by the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent and perused the materials available on record and the precedents relied upon by them.



Crl.O.P(MD)No.4090 of 2024

WEB COPY

6.This Court perused the FIR and the other materials. There is a prima facie allegation to investigate under Section 7 of the Prevention of Corruption (Amendment) Act 2018, and apart from that, during the house search, huge stash of unaccounted cash, gold jewels and property documents were recovered. Therefore, this Court at the stage of FIR is not inclined to quash the petition by applying the principle laid down by the Hon'ble Supreme court in the case of ***State of Chhattisgarh v. Aman Kumar Singh***, reported in (2023) 6 SCC 559 and the relevant paragraphs are as follows:

62. ...the power of quashing a criminal proceeding should be exercised very sparingly and with circumspection and that too in the rarest of rare cases; further that, the Court will not be justified in embarking upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR or the complaint; and also that, the extraordinary or inherent powers do not confer an arbitrary jurisdiction on the court to act according to its whim or caprice.

63. ... whenever its powers are invoked either under Article 226 of the Constitution or Section 482CrPC for quashing a first information report/complaint, the Courts would not be justified in embarking upon an enquiry as to the probability, reliability or genuineness of the allegations made therein (emphasis supplied). We may, in this regard,



Crl.O.P(MD)No.4090 of 2024

WEB COPY

profitably refer to the decision of this Court while dealing with a case under the PC Act in State of Maharashtra v. Ishwar Piraji Kalpatri [State of Maharashtra v. Ishwar Piraji Kalpatri, (1996) 1 SCC 542 : 1996 SCC (Cri) 150] .

67.... it can safely be concluded that in the present case the High Court “sieved the complaint through a cullender of finest gauzes for testing” the veracity of the alleged crime. This approach being clearly impermissible at the stage of considering a challenge to a first information report, we are of the considered opinion that the judgment and order under challenge is indefensible.

80. .. Thus to maintain probity in the system of governance as well as to ensure that societal pollutants are weeded out at the earliest, it would be eminently desirable if the High Courts maintain a hands-off approach and not quash a first information report pertaining to “corruption” cases, specially at the stage of investigation, even though certain elements of strong-arm tactics of the ruling dispensation might be discernible. The considerations that could apply to quashing of first information reports pertaining to offences punishable under general penal statutes ex proprio vigore may not be applicable to a PC Act offence. Majorly, the proper course for the High Courts to follow, in cases under the PC Act, would be to permit the investigation to be taken to its logical conclusion and leave the aggrieved party to pursue the remedy made available by law at an appropriate stage. If at all interference in any case is considered necessary, the same should rest on the very special features of the case.



Crl.O.P(MD)No.4090 of 2024

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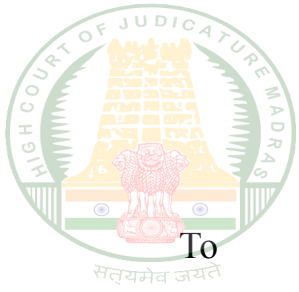
7.The investigation officer, is directed to consider the petitioner's explanation for the recovered amount during the Course of investigation as per law.

8.Accordingly, this quash petition is disposed of with direction to the investigating officer to consider the petitioner's explanation during the course of the investigation and the petitioner is permitted to file fresh quash petition if so advised after filing of the final report against the petitioner. Consequently, connected miscellaneous petitions are closed.

02.04.2024

NCC : Yes/No
Index :Yes/No
Internet :Yes/No
sbn

Note: Issue Order copy on 02.07.2025



Crl.O.P(MD)No.4090 of 2024

To

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1. The learned Special Judge for Trial of Cases
under Prevention of Corruption Act, Sivagangai.
2. The Deputy Superintendant of Police,
Vigilance and Anti Corruption Wing,
Sivagangai, Sivagangai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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Crl.O.P(MD)No.4090 of 2024

K.K.RAMAKRISHNAN, J.

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