



Crl.O.P.(MD)No.21352 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 05.12.2024

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.21352 of 2024

and

Crl.M.P.(MD)No.13259 of 2024

Ramjeyakumar

... Petitioner

Vs.

1.State of Tamil Nadu, Rep. by
The Inspector of Police,
Elanjambur Police Station,
Ramanathapuram District.
(Crime No.76 of 2021)

2.Kuzhanthaivelu,
Executive Magistrate,
No.212, Muthukulathoor,
AC FST B2 Team,
Muthukulathoor,
Ramanathapuram District.

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records pertaining to the impugned F.I.R. in Crime No.76 of 2021 under Sections 353 and 171(E) of I.P.C., on the file of the first respondent, dated 04.04.2021, and quash the same as illegal.



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For Petitioner : Ms.M.Gopika

For R1 : Mr.P.Kottaichamy
Government Advocate
(Criminal side)

ORDER

The petitioner, who is arrayed as A1 in Crime No.76 of 2021 for the offences under Sections 353 and 171(E) of I.P.C., has filed the quash application.

2. The case against the petitioner is that, on 04.09.2021 at about 12:40 p.m., the petitioner/A1, and A2 and A3 who are members of the Amma Makkal Munnetra Kazhagam, were allegedly bribing voters by offering cash. When the Police apprehended the petitioner, they seized Rs.30,000 in Rs.500 notes (60 notes) and a ruled notebook containing details of voters. The petitioner and the other accused stated that they intended to give Rs.1,000 to each voter and were preparing to do so when the Police arrived and seized the money.



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3. The learned counsel for the petitioner contended that the case against the petitioner and other accused was fabricated because they belong to the opposition party, and the Police, allegedly favouring the ruling party, foisted a false case. The petitioner and other accused claim that while they were in possession of Rs.30,000 and a notebook, there is no connection between the two, and no evidence to show that they were attempting to bribe voters. Further, the learned counsel points out that during election period, the restriction is not to carry cash Rs.50,000/- and above without valid documents and only in the case of no proper explanation, case can be registered. The petitioner admittedly had Rs.30,000, hence, no offence is made out.

4. The learned Government Advocate (Criminal side) submitted that the petitioner and other accused were caught with Rs.30,000, which was intended for bribing voters, and the notebook contained details of voters. The petitioner and the other accused were moving around the area in a suspicious manner. When they were apprehended, they were unable to provide proper explanation and admitted that they were preparing to offer money to voters. The learned Government Advocate (Criminal side) confirmed that no voters were present at the time of the



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apprehension, and now the investigation completed, and charge sheet filed on 18.12.2023, and it is yet to be taken on file.

5. Considering the submissions and on perusal of the materials, this Court finds that the petitioner and other accused were found to be in possession of Rs.30,000 and a notebook with voters details. However, there is no evidence to show that they were attempting to offer any money to voters. The petitioner and the other accused admittedly are members of a political party. Having cash does not automatically imply that the money was intended for bribing of voters. Furthermore, one voter or any private individual gave any complaint or gave statement in support of the complaint. The restriction during election period is that no person to carry cash of Rs.50,000/- or more without any valid documents. In this case, admittedly, the petitioner and the other accused were found with cash of Rs.30,000/-, further, having details of voters can be for many reasons.

6. In view of the above, this Court finds that continuing the prosecution against the petitioner and the other accused would be an



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abuse of the legal process. Consequently, the case against the petitioner and the other accused in Crime No.76 of 2021 is quashed. Similarly, the charge sheet filed on 18.12.2023 (e-filing No.CCLTN 20220002009C202300043) before the Judicial Magistrate Court No.I, Ramanathapuram, is also quashed. Accordingly, this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petition is closed.

7. Before parting with this case, this Court wishes to place on record its appreciation to the young advocate's thorough preparation and effective submissions.

05.12.2024

NCC : Yes / No
Index : Yes / No
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Copy to:-

The Judicial Magistrate No.I,
Ramanathapuram.



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To
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- 1.The Inspector of Police,
Elanjambur Police Station,
Ramanathapuram District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

smn2

Order made in
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Dated: 05.12.2024