



Crl.O.P.No.6525 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 04.07.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

Crl.O.P.No.6525 of 2025
and
Crl.M.P.Nos. 4166 & 4167 of 2025

P.Kandasamy

... Petitioner

Vs.

1. State Rep.by the Inspector of Police,
Vigilance and Anti-Corruption,
Cuddalore
(V & AC Cr.No. 9 of 2018)

2. S.Selvam

... Respondents

Prayer: Petition filed under Section 528 of B.N.S.S, to call for the records and to quash the proceedings against the petitioner/Accused (A-2) now pending in Spl.Case No.21 of 2020 on the file of the Chief Judicial Magistrate cum Special Judge, Prevention of Corruption Act Cases, Cuddalore.

For Petitioner : Mr.M.Aravind Subramaniam,
Sr.Counsel
for Mr.Jayasimhan T.Rajasuriya

For R1 : Mr.S.Udayakumar
Government Advocate (Crl.Side)



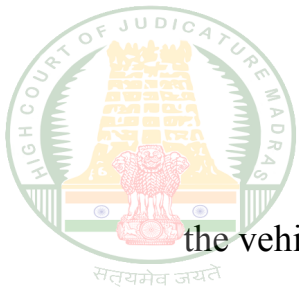
Crl.O.P.No.6525 of 2025

ORDER

WEB COPY This Criminal Original Petition is filed with a prayer to quash the final report and the proceedings in Spl.C.No.21 of 2020 on the file of the Chief Judicial Magistrate-cum-Special Judge for Prevention of Corruption Act Cases, Cuddalore.

2. Heard Mr.M.Aravind Subramaniam, the learned Senior Counsel appearing on behalf of petitioner and Mr.S.Udayakumar, learned Government Advocate (Crl.Side) for the first respondent.

3. The learned senior counsel appearing for the petitioner, taking this Court through the trap proceedings and other materials on record, submits that it can be seen from the case of the prosecution itself that it is inherently improbable. The complainant, in his statement, mentioned that he took out the tainted money smeared with phenolphthalein powder from his own hand and then handed it over to the petitioner/accused. In such a case, the complainant's hands should also have turned pink. He further submits that, in any event, even upon perusal of the statements of the listed witnesses, it can be that it was the Tahsildar who demanded the bribe and directed that the money be given to the petitioner, who is the Jeep driver and an ex-serviceman standing outside near

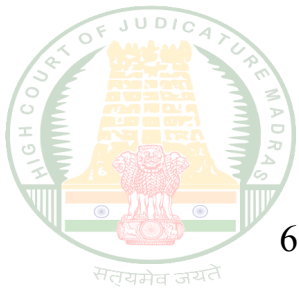


the vehicle.

WEB COPY

4. In that view of the matter, when no active role is attributed to the petitioner/accused and he has merely, upon the instruction of his superior, inadvertently or innocently received the amount without even applying his mind, the final report is filed and therefore this is a fit case where this Court should interfere and quash the proceedings.

5. Per contra, the learned Government Advocate (Criminal Side) appearing for the first respondent, relying on the statements given by the decoy witness as well as the official witness to the trap, would submit that it can be seen that the petitioner, even though a jeep driver who was standing at a distance, upon the instructions of the Tahsildar, when approached, duly enquired as to how much money was brought and whether it was brought as per the directions of the Tahsildar and then only accepted the money. The question relating to the complainant's hands turning pink, etc., cannot be a ground for consideration for quashment of the proceedings. It can be seen that this petitioner received the money, counted it and finally confirmed that the total was correct, which the witnesses have spoken to.



6. I have considered the rival submissions made on either side and

perused the material records of the case.

7. The arguments made by the learned senior counsel appearing for the petitioner are not grounds on which the Court can quash the petition, but are matters to be raised during the course of the trial to prove the innocence of the petitioner (Accused No. 2). Unless the same are established by duly cross-examining the listed witnesses and also adducing defence evidence, the same cannot be considered at this stage to quash the proceedings. It cannot be said that there is no material at all to proceed against Accused No. 2.

8. At this juncture, the learned senior counsel appearing for the petitioner also submits that the appearance of the petitioner before the trial Court be dispensed with. Considering the nature of the case, I am of the view that the appearance of the petitioner before the trial Court, except for essential hearings such as framing of the charge, etc., and such other hearings as may be insisted upon by the trial Court, shall stand dispensed with.

9. In view thereof, keeping the liberty of the petitioner open to raise all



Crl.O.P.No.6525 of 2025

the grounds during the course of the trial, this criminal original petition stands

disposed of. Consequently, connected miscellaneous petitions are also closed.

04.07.2025

Neutral Citation: Yes/No
nsl

To

1. The Inspector of Police,
Vigilance and Anti-Corruption,
Cuddalore
(V & AC Cr.No. 9 of 2018)
2. The Public Prosecutor,
High Court of Madras.
3. The Chief Judicial Magistrate cum Special Judge,
Prevention of Corruption Act Cases, Cuddalore.

D.BHARATHA CHAKRAVARTHY, J.



WEB COPY



Crl.O.P.No.6525 of 2025

nsI

Crl.O.P.No.6525 of 2025

04.07.2025