



Crl.O.P.No.6749 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.O.P.No.6749 of 2025

E.Sasikumar

.. Petitioner

Versus

1. State Rep by
Deputy Superintendent of Police,
Vigilance & Anti-corruption,
Cuddalore.

2. Inspector of Police,
Vigilance & Anti-corruption,
Cuddalore.
(Cr.No.1/2023)

3. Selvakumar

.. Respondents

Prayer : Criminal Original Petition filed under Section 482 of Cr.P.C., and Section 528 of BNSS, to call for the records and quash the Charge Sheet on the file of the Special Judge-cum-Chief Judicial Magistrate Court, Cuddalore in Special Calendar Case No.11/2023 as against the petitioner.



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For Petitioners : Mr.N.U.Pressanna

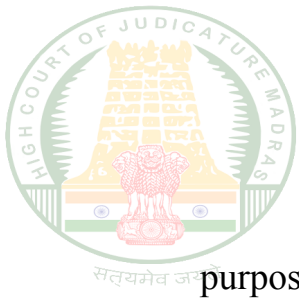
For Respondent : Mr.A.Gokulakrishnan,
Additional Public Prosecutor,
for RR-1 and 2
: No Appearance for R3

ORDER

This Criminal Original Petition is filed with a prayer to call for the records in Spl.C.C.No.11 of 2023 on the file of the learned Special Judge-cum-Chief Judicial Magistrate, Cuddalore and quash the same.

2. Heard *Mr.N.U.Pressanna*, learned Counsel for the petitioner and *Mr.A.Gokulakrishnan*, learned Additional Public Prosecutor for the respondent Nos.1 and 2.

3. The learned Counsel for the petitioner, taking this Court through the relevant records as well as the complaint, would submit that it can be seen that the purpose for which the bribe is said to have been demanded is for the



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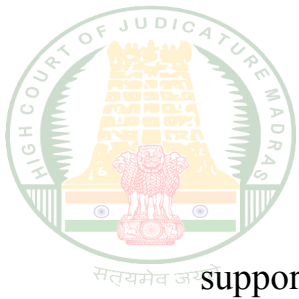
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purpose of effecting name transfer. Even as per the circular, 7 days time can be taken for transferring the name. In this case, the *de facto* complainant is said to have made an online application on the same day at about 12 noon and immediately, he is said to have come to the office where the demand is said to have been made and immediately, it is said that he has rushed to the office of the respondent Police where the trap was set and immediately, in the same day evening, at about 4.00 P.M, a decision was taken and the trap was said to have been conducted on the next day. The same smacks of non-compliance of the Vigilance Manual, non-conduct of preliminary enquiry with a predetermined notion of somehow or the other implicating the petitioner. Therefore, he would submit that this is a complete abuse of process of law and therefore, this Court should interfere by quashing the final report.

4. He would also rely upon the judgment of the Hon'ble Supreme

Court of India in *Mir Mustafa Ali Hasmi Vs. State of Andhra Pradesh*¹, in

¹ (2024) 10 SCC 489



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support of his submission where for want of proper preliminary verification as to the veracity of the complainant as well as the background of the person demanding, the Hon'ble Supreme Court of India even acquitted the appellant therein.

5. I have considered the said submissions made by the learned Counsel for the petitioner.

6. The prayer that is made is to quash the final report. The final report will be interfered with by this Court only if no offence is made out or a patent abuse of process of law is made out. The trap has been conducted, the money has been recovered and a final report is filed. The arguments that are made that everything is done in a hasty manner and not even the timelines, prescribed by the Government Order, are followed and the manual is not complied with, are all matters for the defence to cross-examine the witness in an appropriate manner and to be taken up in the trial and only to be

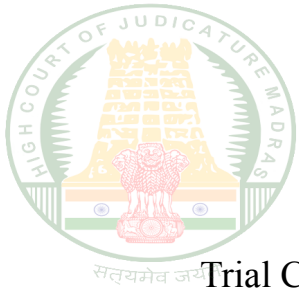


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considered along with the other submissions that are to be made as a defense submission and isolatedly, a mere non-compliance of a particular provision of the manual or conducting things in a hasty manner will not by itself constitute a formal legal ground to quash the final report.

7. Therefore, keeping open the liberty of the petitioner to raise all the grounds in the course of the trial, this Criminal Original Petition stands disposed of. Considering the nature of the request made by the learned Counsel for the petitioner and the fact that the cases are being transferred to the other Court and the number of witnesses involved in this case, the Trial Court shall endeavour to dispose of Spl.C.C.No.11 of 2023 as expeditiously as possible, in any event within a period of one year from today. At this stage, the learned Counsel also makes another request to dispense with the personal appearance of the petitioner. Except for the necessary hearings such as framing of charges, questioning and such other hearings that may be insisted upon by the Trial Court, the presence of the petitioner before the



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Trial Court in respect of the other hearings stands dispensed with.

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Neutral Citation : no
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To

1. The Special Judge-cum-Chief Judicial Magistrate,
Cuddalore.
2. The Deputy Superintendent of Police,
Vigilance & Anti-corruption,
Cuddalore.
3. The Inspector of Police,
Vigilance & Anti-corruption,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



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D.BHARATHA CHAKRAVARTHY, J.

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