



Crl.O.P.No.9104 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.O.P.No.9104 of 2025
and Crl.M.P.No.6009 of 2025

C.Ramasundaram

.. Petitioner

Versus

1. The State

Represented by Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Dharmapuri District.
(Crime No.02/AC/2013).

2. R.Mariyappan

.. Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to call for the records culminating in Spl.C.C.No.2 of 2015 on the file of the learned Chief Judicial Magistrate of Dharmapuri and to quash the same.

For Petitioner : Mr.B.M.Subash

For Respondents : Mr.A.Gokulakrishnan,



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Additional Public Prosecutor,
for R1

: R2 - notice not ready

ORDER

This Criminal Original Petition is filed to call for the records in Spl.C.C.No.2 of 2015 on the file of the learned Chief Judicial Magistrate, Dharmapuri and to quash the same.

2. Heard *Mr.B.Mohan*, learned Counsel for the petitioner and *Mr.A.Gokulakrishnan*, learned Additional Public Prosecutor for the first respondent.

3. The learned Counsel for the petitioner, drawing the attention of this Court to the sanction order, would submit that the sanction order would clearly state that the *de facto* complainant was deputed along with an official



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witness by name *Madappa*. Whereas, in the charge sheet, it can be seen that the *de facto* complainant was deputed along with an official witness by name *Rajan*. Therefore, there is complete non-application of mind on the part of the sanctioning authority. Therefore, the petitioner is entitled to succeed.

4. The second contention is that when the trap was conducted, even from the cross-examination of *P.W.3*, it can be seen that the money was thrust in the hands of the petitioner and the petitioner also did not receive the same and handed it over back. Subsequently only, the *de facto* complainant says that the petitioner wanted to add Rs.1,000/- etc., and give it to the Village Assistant himself. This itself would show that *prima facie*, there is no evidence either for a demand and the entire trap was a failure as the money was thrust in the hands of the petitioner. He would submit that certain other arguments are also made with reference to the various grounds.

5. However, upon hearing the learned Counsel for the petitioner and



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also the learned Additional Public Prosecutor, it can be seen that the trial is progressing. Already *P.W.1* to *P.W.7* were already examined and the matter is posted for examination of *P.W.8*. When the trial is in an advance stage, at this stage, the prayer, to quash the final report that too on the various grounds which are in the nature of defence, cannot be entertained.

6. Therefore, keeping open the liberty of the petitioner to raise all the grounds that are raised in this petition during the course of trial and make such arguments before the Trial Court, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

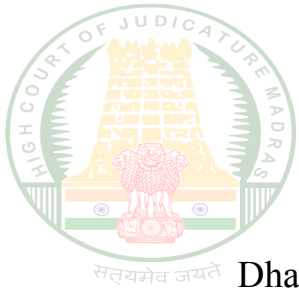
13.06.2025

Neutral Citation : no
grs

To

1. The Chief Judicial Magistrate,
Dharmapuri.
2. The Deputy Superintendent of Police,
Vigilance and Anti-Corruption,

4/7



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3. The Public Prosecutor,
High Court of Madras.



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D.BHARATHA CHAKRAVARTHY, J.

grs

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