



Crl.O.P.No. 10657 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 06.06.2025

CORAM:

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

Crl.O.P.No.10657 of 2025

and

Crl.M.P.No.7080 of 2025

K.Subramani

...Petitioner

Vs.

1. The Inspector of Police,
Vigilance and Anticorruption,
Chengalpattu.

2. M.Pachaiyappan

...Respondents

Prayer: Petition filed under Section 528 of B.N.S.S.Act, 2023 to call for the records and to quash the FIR V & AC, Crime No. 3/AC/2025/CP under Section 7 of the Prevention of Corruption Act 1988 (as Amended in 2018) registered against the petitioner.

For Petitioner : Mr.K.Balakrishnan

For R1 : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The Criminal Original Petition is filed to call for the records relating to the First Information Report (FIR) in Crime No. 03/AC/2025/CP on the file of the Vigilance and Anti-Corruption Unit, Chengalpattu.



WEB COPY2. The petitioner is arrayed as an accused in the said First Information Report. Mr. K.Balakrishnan, the learned counsel appearing on behalf of the petitioner, submits that the petitioner, while functioning as the Village Administrative Officer, is alleged to have demanded a bribe of Rs.10,000/- from the defacto complainant. He submits that the patta had already been issued and was available online. Therefore, the very reason mentioned by the defacto complainant is not strong enough. Secondly, he submits that even as per the First Information Report, Rs.10,000/- demanded by the petitioner remained with the defacto complainant himself. Therefore, no offence under Section 7(a) of the Prevention of Corruption Act, 1988 is made out.

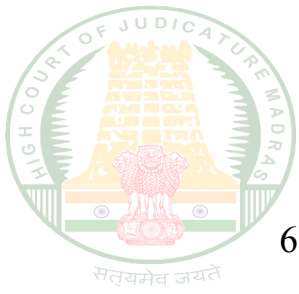
3. He further submits that even during the attempted trap, the amount was not handed over but was kept in the almirah and the petitioner left the place. Therefore, no offence is made out. He also submits that though the alleged demand was made on 28.02.2025, the First Information Report was registered only on 04.03.2025, and therefore there is an huge delay. Hence, on the ground of delay also, the First Information Report is liable to be quashed. Further, as per Section 17(c) of the Prevention of Corruption Act, 1988, only an officer in the rank of Deputy Superintendent of Police is entitled to



investigate the offence. However, in this case, the First Information Report was registered and investigated by an Inspector of Police. Therefore, the FIR is liable to be quashed.

4. Per contra, the learned Additional Public Prosecutor submits that the information was reduced into writing by the Inspector of Police, who was only the trap-laying officer and therefore the contention in this regard is incorrect. Secondly, he submits that even an attempt would suffice to constitute an offence under Section 7(a) of the Prevention of Corruption Act, 1988. He would further submit that by the First Information Report only, the information provided by the complainant was recorded and that subsequently, a trap was arranged and laid down and thereafter, the petitioner was arrested after being caught red-handed. Therefore, he would submit that as the investigation is ongoing, no grounds exist to quash the FIR.

5. I have consider the rival submissions made on either side and perused the material records of the case.



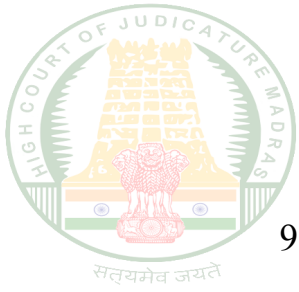
6. The challenge is made to the information which is first recorded.

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Therefore, it cannot be challenged on the ground that it was being investigated by an officer not authorised. Secondly, it can be seen that the demand was made on 28.02.2025, followed by a weekend. The defacto complainant approached the police on Tuesday, (i.e.) 04.03.2025. Therefore, I do not find any huge delay warranting interference with the FIR at this stage. Further, the argument that no offence is made out also cannot be countenanced, as even an attempt to obtain illegal gratification constitutes an offence under Section 7(a) of the Prevention of Corruption Act, 1988. The other grounds which are raised are also not enough for this Court to interfere with the investigation at this stage.

7. Further, the learned counsel appearing for the petitioner submits that a direction may be issued for expeditious completion of the investigation, since it is a trap case and a major portion of the investigation is already completed.

8. Upon enquiry, the learned Additional Public Prosecutor submits that the Investigating Officer will be in a position to file the final report within a period of three months.



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9. Accordingly, a direction is issued to the Investigating Officer to complete the investigation within a period of three months from the date of receipt of the web copy of this order without waiting for the certified copy of the order and to file a final report in accordance with law.

10. Therefore, finding no grounds to interfere with the First Information Report at this stage, the Criminal Original Petition is without merit and is accordingly dismissed. Consequently, connected Crl.M.P.No.7080 of 2025 is also closed. No costs.

06.06.2025

Neutral Citation: Yes/No
nsl



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D.BHARATHA CHAKRAVARTHY, J.

nsI

To

1. The Inspector of Police,
Vigilance and Anticorruption,
Chengalpattu.
2. The Additional Public Prosecutor,
Madras High Court.

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