



CrI.O.P.No.13370 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2025

CORAM:

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

CrI.O.P.No.13370 of 2025
and CrI.M.P.Nos.8897 & 8899 of 2025

V.Prabhaagher

...Petitioner

-Vs-

1. The State Rep.by
The Inspector of Police
Vigilance and Anti-Corruption
Cuddalore.

2.R.Seenu

... Respondents

Prayer: Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records in Spl.C.C.No.9 of 2024 pending on the file of the Chief Judicial Magistrate cum Special Judge for Prevention of Corruption Act Cases, Cuddalore and quash the same and pass such further or other order.

For the petitioner : Ms.S.Kanimozhi

For the respondents : Mr.S.Udayakumar
Additional Public Prosecutor for R1

Mr.K.Gandhikumar for R2

ORDER



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This Criminal Original Petition is filed to quash the final report filed in Spl.C.C.No.9 of 2024, on the file of the Chief Judicial Magistrate cum Special Judge for Prevention of Corruption Act Cases, Cuddalore.

2. Heard, *Ms.Kanimozhi*, the learned counsel appearing on behalf of the petitioner. The learned counsel by taking this Court through the complaint that is contained along with the final report would submit that the survey number that is mentioned as 236 / 1B is a '*poramboke* land' and therefore, the complainant is making a false statement. She would further submit that, with reference to the change of patta and other related matters, the relevant materials have not been produced. Her third contention is that no application was ever made to the Village Administrative Officer.

3. As a matter of fact, when the earlier application was made, the Village Administrative Officer has duly made a recommendation, to grant the joint patta. However, the complainant has taken vengeance and has falsely set up the trap. Without realising the ill motive of the complainant, the prosecution unfortunately set up the trap and the entire episode was stage managed.



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4. *Per contra*, the learned Government Advocate (Crl.Side) would submit that all the materials relating to the purpose, complaint, trap and the evidence of the Trap Laying Officer and the other witnesses, form part of the final report. It cannot be said that there is no material at all to proceed against the complainant.

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

6. It is true that in the complaint, survey number was mentioned as 238 / 1B instead of 238 /18, as contained in the patta and other documents. It can at best only be a typographical error, which can be explained during the trial and the entire case cannot be quashed for the said typographical error. As far as the other records are concerned, I find that the documents viz., the entire online application, the report and the joint patta have been produced by the prosecution as part of the final report. Therefore, the argument that there are no material at all is incorrect. As far as the third argument that the earlier recommendation of the VAO is correct and that aggrieved by the recommendation, the complainant has stage managed the entire thing is concerned, it would be a matter for trial for the petitioner to establish the same.



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Further, the mere fact that the application was not directly made to the VAO

itself cannot be a ground for quashing the proceedings. Several of the grounds that are raised and argued by the learned counsel are the arguments on facts and the materials have to be considered only during the course of the trial. Therefore, keeping open the liberty of the petitioner, to raise all the grounds during the course of trial, the Criminal Original Petition lacks merits and is accordingly stands dismissed.

7. At this juncture, the learned counsel for the petitioner would submit that the Trial Court may be directed to dispose of the case at an early date.

8. At present, the cases are being transferred from the Chief Judicial Magistrate to the file of the Principal District Judges. Therefore, no direction can be issued for any expeditious disposal. Once the cases are transferred to the concerned Court, thereafter by way of separate application, the petitioner can approach this Court with a prayer for early disposal.

9. The connected miscellaneous petitions are closed.

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WEB COPY Neutral Citation : Yes/No

To

1. The Inspector of Police
Vigilance and Anti-Corruption
Cuddalore.

2. The Chief Judicial Magistrate cum Special Judge for Prevention of
Corruption Act Cases,
Cuddalore.

3. The Public Prosecutor
High Court of Madras.

D.BHARATHA CHAKRAVARTHY. J,

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