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Crl.O.P.No.16935 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2025

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.16935 of 2024
and Crl.M.P.No.10186 of 2024

L.Nagarajan

... Petitioner

Vs.

1.The State rep. by
The Inspector of Police,
Vigilance and Anti-Corruption Wing,
Tirupur.

2.G.Ashok Kumar

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C.
to call for records pertaining to the FIR No.2/2024/AC/TPR dated
12.03.2024 on the file of the first respondent Police and quash the same.

For Petitioner : Mr.Harish Kumar

For R1 : Mr.S.Udayakumar
Government Advocate



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ORDER

The petitioner/accused in Crime No.2/2024/AC/TPR registered by the first respondent for the offence under Section 7 r/w. 12 of Prevention of Corruption Act filed this quash petition.

2.The contention of the learned counsel for the petitioner is that the first respondent registered a false FIR against the petitioner without conducting proper preliminary investigation and the petitioner not committed any offence as alleged by the respondents. The first respondent arrested the petitioner without giving an opportunity of hearing. The first respondent police was in hand in glove with the second respondent/defacto complainant. Further, the first respondent not followed the directions given in the case of ***Lalita Kumari vs. Government of Uttar Pradesh and others*** reported in ***2013 (14) SCR 713***. The FIR registered against the petitioner is specious, speculative and a complete abuse of process of procedure and law. The petitioner is known for his honesty in the Revenue Department and his service records are clear. The petitioner not demanded any bribe and not



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received any bribe amount in his hand from the defacto complainant/second respondent. It is projected that one Suresh who is arrayed as Accused No.2 received the amount, who is no way connected with the petitioner. He would submit that for the individual act of Suresh, the petitioner cannot be penalised. Due to personal grudge, the defacto complainant concocted a story on his own whims and fancies. The second respondent approached the petitioner to obtain No Objection Certificate [NOC] for the free patta land which was settled by his mother. The petitioner submits that it is necessary to obtain NOC to make a settlement deed for the free patta land. The petitioner in discharge of his duty instructed the second respondent/defacto complainant to submit necessary documents with the signature of his mother and to bring his mother to the Office for verification. The second respondent failed to co-operate and due to his non-cooperation, the process got delayed which was projected as though the petitioner demanded bribe amount and delayed the process. The Apex Court in the case of ***K.Shanthamma vs. The State of Telangana. Criminal Appeal No.261 of 2022*** [arising out of SLP(Criminal) No.7182 of 2019] held that the public servants taking bribe requires a demand of illegal gratification and the



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acceptance thereof. The proof of demand of bribe by a public servant and its acceptance by him is *sine quo non* for establishing the offence under Section 7 of PC Act. In the above case, there is no proof that the petitioner made any illegal demand and accepted the bribe amount.

3.The petitioner filed an additional affidavit on 20.09.2024 making serious allegations against the Investigating Officer stating that after the arrest of the petitioner and his remand to judicial custody, the petitioner suffered two Cardiac arrest in the Prison and thereafter, the petitioner was granted bail on 26.03.2024 in Crl.M.P.No.2912 of 2024 with several conditions. One of the condition is that the petitioner to appear before the respondent's office for 15 days between 10.00 a.m and 12.00 p.m. While the petitioner was complying with this condition, a Police Officer from the team of Vigilance and Anti Corruption approached the petitioner, seeing petitioner's helpless situation, assured that he will help the petitioner to come out from this false case foisted against him. Thereafter, he privately approached and informed the petitioner that FIR registered against him is completely fake and fabricated. The FIR in Serial No.8040874 was initially



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registered against one Tmt.Kavitha, Village Administrative Officer [VAO],

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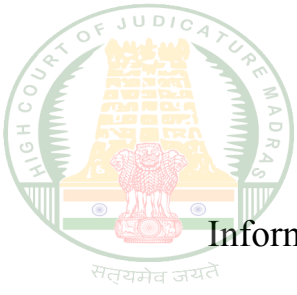
Udumalpet and thereafter, the present FIR with the same serial number has been fabricated against the petitioner. The Police Officer who wish to maintain anonymity for sharing confidential information never disclosed his name and further submitted that he received the confidential information from his higher official in the rank of IPS Officer. Further the Trap Laying Officer in this case Ms.Sasilekha is in the habit of fabricating FIRs and foisting false case against many innocent public servants. In order to stop the illegal act, information was shared to the petitioner and he also provided the proof for the same. It is further submitted that one person named Mr.Shankar who did not disclose his identity who might be one among the Police Personnel or an intermediary person gave the particulars by sending the documents of fake FIRs to the petitioner's Whatsapp number and subsequently deleted the same. The petitioner took the copy of the same and it is seen that FIR No.2/2024/AC/TPR with Serial No.8040874 was registered against one Kavitha on 07.03.2024 and the fabricated FIR against the petitioner is dated 12.03.2024 with the same crime number and serial number. Hence, Ms.Sasilekha, Inspector of Police, Tiruppur Vigilance and



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Anti Corruption Wing fabricated the FIR and the petitioner was arrested on a fabricated FIR. The petitioner also produced the FIR with Sl.No.8040874 registered against one Kavitha, VAO in which the complainant name is recorded as S.Velusamy, S/o.Subba Naicker, Door No.13/2A, Mariamman Koil Street, Venkittapuram Village, Udumalpettai Taluk, Tiruppur. Hence, sought for quashing of the above FIR.

4.Today [10.03.2025], the learned counsel for petitioner referring to Police Standing Order Nos.560 and 552 further argued that ordinarily one copy of First Information Report will be retained in the Station and another will be forwarded without delay in the usual course to the Magistrate having jurisdiction and a third with the Station House General Diary to the Superintendent or Sub-divisional Police Officer through the Circle Inspector. The Sub-divisional Officer will retain one copy in the Station House Diary and send the other copy of the First Information Report to the Superintendent of Police. Copies of these records will be made out and attached to the other copies. The copies will be made by the carbon process. Further referring to Police Standing Order No.560, he submitted that First

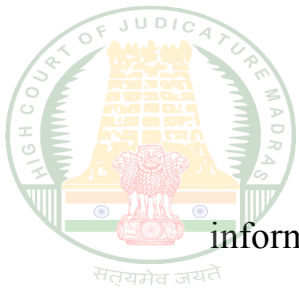


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Information Report Book will be given a consecutive number and this number will constitute the crime number for the purpose of the subsequent records.

5.In support of his contention, the learned counsel relied upon the orders passed by this Court in **H.C.P.No.187 of 2006** in the case of ***Revathy vs. State of Tamil Nadu*** reported in **2006 (3) CTC 650**, wherein it is observed that First Information Report forms will contain 150 leaves and six of the leaves will have the same number. Hence, in one book 25 numbers of F.I.R. Form will be available. Due to shortage and availability of Xerox machines only three copies are prepared in the issued F.I.R. Form. In this case, for two First Information Reports, giving same Form number is not proper and is nothing but an abuse of process of law. Hence, prayed for quashing of the F.I.R.

6.The learned Government Advocate (Crl. Side) filed the affidavit of the first respondent sworn by Ms.K.Sasilekha, Trap Laying Officer in the above case, who submitted that on 07.03.2024 at about 8.00 a.m.,



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information received against one Tmt.Kavitha, Village Administrative Officer from Velusamy, aged about 81 years for demand of Rs.18,000/- as bribe for recommending Patta name transfer. Based on the complaint, FIR was registered in Crime No.2/2024/AC/TPR under Section 7 of the Prevention of Corruption Act. The pre-trap proceedings conducted in the presence of Tmt.D.Selvapriya, Inspector, H.R.&C.E. and Mr.T.Suresh Kumar, Assistant, Office of the Deputy Labour Office and the entrustment mahazar was prepared between 10.00 a.m and 10.50 a.m. and the trap team proceeded, the defacto complainant approached the said Tmt.Kavitha, VAO who on suspicion evaded the defacto complainant on the pretext that she was busy with election work, as such, the trap failed and the trap team returned to V&AC Office. The complainant is sick and aged person of 81 years got frustrated to continue his complaint and requested to permit him to withdraw his complaint. The complainant, namely, S.Velusamy submitted a letter explaining his age, ailments and his inability to continue with his complaint against Tmt.Kavitha, VAO. Since the complainant S.Velusamy was not inclined to pursue his complaint and in the midway sought for withdrawal of the complaint, the request was accepted in good faith



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otherwise due to non-cooperation of the decoy, trap will be an exercise in futility. Hence, the trap proceedings which initiated on 07.03.2024 against Tmt.Kavitha, VAO was dropped and after five days thereafter, the present complaint dated 12.03.2024 was lodged by the second respondent against the petitioner and one Suresh. The petitioner is a Revenue Inspector attached to Tiruppur South Firka and Suresh, a private individual . Based on the complaint of the second respondent, FIR registered and pre-trap proceedings conducted. Thereafter, the trap was laid which proved successful, the petitioner was arrested along with the said Suresh and a case is now investigated in accordance with law. It is further submitted that out of the total six sheets of FIR containing Sl.No.8040874, only two sheets used for the complaint against Tmt.Kavitha, VAO on 07.03.2024. Though the case was closed, it was kept in the office for mere reference and not to be concealed or destroyed or suppressed. The petitioner after coming out on bail, as he was enraged decided to tarnish the image of the Trap Laying Officer obtained the records of unprocessed complaint which was given up, making wild allegations against the Trap Laying Officer and V&AC Police and ensured that this fact is published in vernacular newspaper Dinamalar



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and broadcasted in Thanthi News Channel making a mountain out of a molehill. The Trap Laying Officer further submitted that she joined the Police service as Sub-Inspector of Police on 15.09.2004, promoted as Inspector of Police on 12.04.2017 and throughout her career had unblemished service and she was appreciated for her honesty, integrity and hard work. The case against the petitioner is real and there is no falsification or false case foisted against the petitioner.

7.The learned Government Advocate (Crl. Side) filed a counter by the present Investigating Officer in Crime No.2/2024/AC/TPR denying the petitioner's contention stating that there is nothing to show that there was personal vendetta or animosity against the petitioner and to wreck vengeance, the above complaint initiated. Further, in this case preliminary enquiry on the petitioner's reputation verified and thereafter, FIR registered. The trap was laid and proved successful. The petitioner employed one Suresh/Accused No.2 and using him, the trap amount was received. The Trap Laying Officer in this case conducted preliminary enquiry on 12.03.2024 from 08.00 hours to 08.30 hours and after satisfying the case

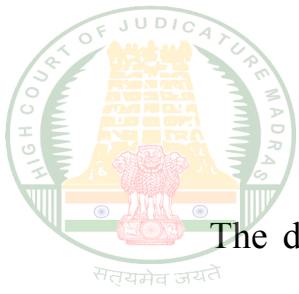


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was registered against the petitioner between 8.30 hours and 09.30 hours. It

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is submitted that the property to an extent of 1¼ cent in Veerapandi Village in Site No.51 belonged to the mother of the defacto complainant/second respondent. The second respondent's mother obtained free patta from the Tamil Nadu Government, for getting settlement deed, the defacto complainant approached the Nalur SRO and he was informed that for free patta lands, NOC is necessary from the Taluk Office. The defacto complainant applied for NOC through VAO Tmt.Parimala Devi on 19.02.2024 along with necessary documents, after verification the VAO handed over the application along with her report and informed the defacto complainant to hand over the same to Revenue Inspector/the petitioner herein, visited the petitioner's office on 24.02.2024 at about 10.30 a.m. but it was closed. He handed over the application to the petitioner on 26.02.2024 and as per the instruction of the petitioner, he went to the petitioner's office on 28.02.2024, at that time, the petitioner demanded Rs.10,000/- from the defacto complainant for recommending the papers to Tahsildar. The second accused in this case Suresh called the defacto complainant and demanded Rs.8,000/- as bribe on behalf of the petitioner.



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The defacto complainant approached the petitioner on 11.03.2024, at that time, the petitioner again demanded a sum of Rs.8,000/- for issuance of NOC. Since the defacto complainant was not willing to pay the bribe, he lodged a complaint, thereafter case registered, trap proceedings initiated, pre-trap proceedings conducted between 10.10 hours and 11.10 hours and pre-trap proceedings recorded in entrustment mahazar, the receipt of bribe amount on 26.02.2024 recorded in the recovery mahazar. The petitioner used the second accused Suresh to carry out the works on his behalf. The Bank statement of Suresh obtained and it revealed the close proximity and transaction between the petitioner and the second accused. The second accused received the bribe amount between 13.30 hours and 13.50 hours in the presence of the defacto complainant and the accompanying witness all recorded in the recovery mahazar. Now the investigation is in progress and soon final report to be filed. The only mistake committed is that aborted trap proceedings pertaining to one Tmt.Kavitha on 07.03.2024 for which two sheets of FIR in Sl.No.8040874 was used and the remaining sheets in the same serial number was used in the present case which alone cannot be projected as though the petitioner has been falsely implicated.



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WEB COPY 8.The learned Government Advocate (CrI. Side) referring to Police

Standing Order No.560 submitted that in the case against one Kavitha, VAO, the complainant therein had withdrawn his complaint in the midway, hence the left over four sheets of the F.I.R. used in the present case. He further submitted that the earlier case was not proceeded with and it was aborted. As regards the petitioner, after conducting pre-trap proceedings, the petitioner was caught red-handed on receipt of bribe amount and proceedings initiated. Now investigation completed, charge sheet made ready and awaiting sanction for prosecution against the petitioner. In the present case, except for the mistake committed in registration of F.I.R. using the same Crime Number and left over sheets of the F.I.R. registered against Kavitha, VAO, there is no other mistake. Hence, prayed for dismissal of the petition.

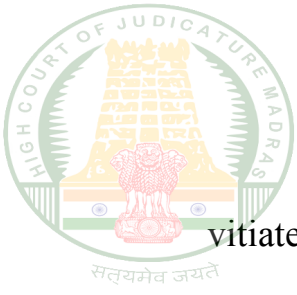
9.Considering the submissions made and on perusal of the materials, it is seen that in this case FIR in Sl.No.8040874 consists of six sheets, two sheets earlier used for laying trap against one Tmt.Kavitha but the same got



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aborted. The Trap Laying Officer sent the complaint and the copy of the registered FIR dated 07.03.2024 to be submitted to the Chief Judicial Magistrate, Tiruppur through a Head Constable. Since trap failed, the Head Constable was instructed to return the FIR and retained in the case diary. The CD pertaining to the happenings on 07.03.2024 produced before this Court. This Court perused the same and found that S.Velusamy S/o.Subba Naicker initially lodged a complaint against Tmt.Kavitha, VAO on 07.03.2024, thereafter pre-trap proceedings initiated by drawing entrustment mahazar with official witness, later the complainant S.Velusamy submitted a letter seeking withdrawal of his complaint considering his age and ailments, the same recorded in the case diary. In view of the above, this Court finds that there is no malafide or false implication of the petitioner. The only mistake is that Sl.No.8040874 ought to have been struck down and cancelled. But in this case it has not done so. The remaining sheets in Sl.No.8040874 was used and Crime No.2/2024/A/TPR was given to the present case which is a curable defect which no way affects the veracity of the investigation against the petitioner. The act of the Trap Laying Officer is an erroneous one but made in good faith and hence, the same will not



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vitiate the present investigation. Hence, this Court is not inclined to quash the FIR against the petitioner.

10. With the above observations, the Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

10.03.2025

Index: Yes/No

Speaking Order/Non-Speaking Order,

Neutral Citation: Yes/No

cse

Note: Issue order copy on 12.03.2025

To

1. The Inspector of Police,
Vigilance and Anti-Corruption Wing,
Tirupur.

2. The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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