



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-10-2025

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CRL OP NO.27026 of 2025

and CrI.MP.Nos.18496 & 18508 of 2025

G.K.Balasubramaniam

Petitioner(s)

Vs

The State Represented by

The Inspector of Police,
Vigilance and Anti-Corruption Wing,
Kanchipuram.
Crime No.01/AC/2024/KM)

Respondent(s)

PRAYER : Criminal Appeal is filed under Section 374(2) of Code of Criminal Procedure, to call for the records in the charges dated 24.04.2025 in Spl.CC.No.30 of 2025 on the file of the Principal District and Sessions Judge, Kanchipuram and quash the same so far as the petitioner is concerned.

For Petitioner : Mr.M.Radhakrishnan

For Respondent : Mr.Leonard Arul Joseph Selvam
Additional Public Prosecutor



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ORDER

The petitioner A1 is in trial in Spl.SC.No.30 of 2025 for the offence under Sections 120(b) and 7(A) of the Prevention of Corruption Act, 1998 amended 2018 had filed this quash petition.

2. The sole ground raised by the petitioner is that in this case, as far as the petitioner is concerned, Section 17(A) is mandatory and no previous approval obtained. He further submitted that the petitioner is a Town Planning Inspector, A2 in this case, and A3 is the Principal Commissioner. The case projected by the respondent is that on 30.12.2023, the defacto complainant came to the office of the Kundrathur Municipal Office and met one D. Vinnarasi, Junior Assistant, and enquired about regularisation of three unapproved plots of the defacto complainant and his relatives. At that time, Vinnarasi directed the defacto complainant to meet A3, Kumari, Municipal Commissioner, and A3 called the Junior Assistant Vinnarasi to look into the file and she informed, defacto complainant to wait outside, informed defacto complainant through Vinnarasi to meet the petitioner for the formalities

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of pending files.

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3. On 04.01.2024, one Vedananthan, a relative of the defacto complainant, met the Junior Assistant Vinnarasi and met the petitioner. The petitioner instructed Vedananthan to ask his brother Munusamy to come and meet him for some formalities. Again, on 05.01.2024, the defacto complainant met Junior Assistant Vinnarasi in her office for regularisation of three plots. The petitioner informed the defacto complainant that the Municipal Commissioner instructed him to demand a bribe amount of Rs.12,000/- for each plot, totaling Rs.36,000/-. Later, the demand reduced from Rs.12,000/- to Rs.8,000/- and instructed defacto complainant to pay an amount of Rs.24,000/- for three plots. On 11.01.2024, when the petitioner was in his room, the defacto complainant met and demand bribe amount of Rs.12,000/- for each plot, since A3, the Municipal Commissioner, not agreeable to reduce the bribe amount.

4. According to the petitioner, he had no role in the demand and acceptance, the petitioner forced to act as per the superior direction. In view of the above previous sanction as per Section 17A is necessary. The



bribe amount is said to have been handed over to A2 on the instructions of A3, and A2 not agreeable to the same handed over the bribe amount to the sweeper, and later the amount recovered from the office. The petitioner not handled the bribe amount, and no phenolphthalein test conducted on the petitioner, and the petitioner falsely implicated. The petitioner had a limited role, further, the learned counsel, referring to the proviso to Section 17A, strenuously argued that no prior approval is necessary only when the case involves arrest of a person on the spot on the charge of accepting or attempting to accept any undue advantage for himself or for any other person. In this case, petitioner neither accepted or attempted to accept any bribe amount.

5. The Additional Public Prosecutor strongly opposed the petitioner's contention and submitted that, in this case, the defacto complainant is a retired headmaster, a senior citizen aged 66 years. He and his relatives purchased three unapproved plots, which they wanted to regularise, and thereafter they approached the Kundrathur Town Panchayat Office for regularisation. Vinnarasi, the Junior Assistant, was contacted, and she informed them to meet the petitioner, who is the Town



Planning Inspector. Vinnarasi, who taken the defacto complainant's complaint to A3, the Municipal Commissioner, who informed the office procedures, and thereafter A3 instructed Vinnarasi to take the defacto complainant to the petitioner, having a room in the first floor. The petitioner instructed, informed, and demanded bribe amount Rs.12,000/- for each plot, totalling Rs.36,000/-. Later bribe amount reduced by the petitioner, later he reteirated and demanded higher amount, A3 Municipal Commissioner not agreeable to reduce the bribe amount. The petitioner actively participated in the demand of bribe amount.

6. The learned Additional Public Prosecutor further submitted that from 30.12.2023 till January 2024, the defacto complainant and his relatives approached the petitioner for regularisation and for reduction in the bribe amount. It was made specific that the bribe amount was Rs.12,000/- for each plot, totalling Rs.36,000/-, and later the petitioner reduced to Rs.8,000/-, totalling Rs.24,000/- for three unapproved plots. Later, the earlier demand was reiterated since A3 had not agreed to the reduce bribe amount. The defacto complainant, not willing to give the bribe amount, lodged the complaint on 10.01.2024, specifically



mentioning the petitioner's role and the petitioner's demand for the bribe amount. The demand of the bribe amount made by the petitioner, and trap proceedings conducted on 11.01.2024, the petitioner, A3, and A2 were caught red-handed accepting the bribe amount. A2's hand wash confirmed handling of the bribe amount, and the amount handed over to the sweeper also confirmed, A2 received the bribe amount from sweeper and kept in the Municipal Commissioner's office. The demand, acceptance, and recovery all proved. The phenolphthalein test confirms handling of the bribe amount by the petitioner. All the three accused arrested, and petitioner Section 17(A) not applicable in a case of trap. The fact of the case will prove petitioner's claim of benefit under proviso to Section 17A will be applicable to the present case.

7. In view of the above facts and circumstances and finding that the petitioner caught red-handed in a trap case in receiving and secreting the bribe amount forms part of conspiracy with the other two accused, and the petitioner's name is available in the complaint and the FIR. The petitioner's contention is factual in his defence, which can be confidential and denial in Trial.



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8. In view of the same, the learned counsel for the petitioner's contention that prior approval under Section 17A has to be obtained will not be applicable to the facts and circumstances of the case.

9. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petitions are closed.

07-10-2025

drl

To

1. The Principal District and Sessions Judge,
Kanchipuram

2. The Inspector of Police,
Vigilance and Anti-Corruption Wing,
Kanchipuram.

3. The Public Prosecutor
High Court of Madras.



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M.NIRMAL KUMAR, J.,

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