

CrI.O.P.(MD)No.4218 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 06.03.2025

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THE HONOURABLE MR. JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.4218 of 2025

M.Muthukumar

... Petitioner

versus

1. The State rep. By
Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Tenkasi District.

2. S.Vandikara Marimuthu

... Respondents

Criminal Original Petition filed under Section 528 of BNSS, 2023,
to call for the records relating to the impugned FIR in Crime No.12 of
2024 on the file of the 1st respondent Police and quash the same as illegal
insofar as the petitioner is concerned.

For Petitioner : Mr.M.Jerin Mathew

For R1 : Mr.T.Senthil Kumar,
Additional Public Prosecutor



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ORDER

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The petitioner is an accused in Crime No.12 of 2024 on the file of the respondent Police registered for the offence under Section 7(a) of Prevention of Corruption Act 1988 as amended in Act 16 of 2018. The petitioner has moved this petition seeking to quash the FIR registered against him.

2. When this petition is taken up for hearing today, Mr.M.Jerin Mathew, learned counsel appearing for the petitioner, requests for a short accommodation for appearance of his Senior Counsel Mr.M.E.Ilango.

3. The learned Additional Public Prosecutor submits that this petition is filed to quash the FIR and the investigating agency has already completed the investigation and placed all the materials before the Sanctioning Authority to grant sanction as required under Section 19 of the Prevention of Corruption Act. The learned Additional Public Prosecutor has also pointed out that it is a trap case.



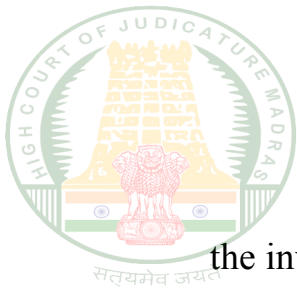
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4. The learned counsel appearing for the petitioner disputed the contention of the learned Additional Public Prosecutor that it is a trap case. According to him, it is a clear case of foisted one for having acted in accordance with law. He further submits that the petitioner has not received any money, but, a cover has been placed by the complainant to fix the petitioner as an accused. He further submits that the petitioner is having a good case and therefore, an opportunity must be provided for appearance of his Senior Counsel.

5. This Court considered the submissions of the learned Additional Public Prosecutor.

6. Even assuming that the petitioner is having a good case, when the learned Additional Public Prosecutor has taken a specific plea that they have already completed the enquiry and placed all the materials before the Sanctioning Authority, this Court is not inclined to entertain this petition at this stage. Further, the Sanctioning Authority may refuse to grant sanction. In the event, if the final report is filed, the petitioner has to make out a case based on the materials which have been filed by



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the investigating agency.

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7. Accordingly, this Criminal Original Petition is closed with liberty to the petitioner to workout his remedy based on the final report, if any, filed against the petitioner.

8. This Court places its appreciation to Mr.M.Jerin Mathew, learned counsel for the petitioner, for his persuasion.

06.03.2025

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NCC : Yes / No.

Index : Yes / No.

Internet: Yes / NO.

To

1. The Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Tenkasi District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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B.PUGALENDHI, J.

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