



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.08.2025

CORAM:

THE HONOURABLE DR.JUSTICE R.N.MANJULA

Crl.O.P.(MD)No.13404 of 2025
and Crl.M.P(MD) No.10638 of 2025

Muthupandi

... Petitioner

Vs

1. The State of Tamilnadu,
Rep by the Inspector of Police,
Vigilance and Anti Corruption Wing,
Sivagangai and District.
Crime No.12/2024.

2. Vairavel

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 BNSS, to call for the records of the 1st respondent police in Crime No.12 of 2024 and Quash the same in so far as the petitioner is concerned.

For Petitioner : Mr.G.Sankar, Senior Counsel

For Respondent : Mr.R.Meenakshi Sundaram (R1)
Additional Public Prosecutor



ORDER

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This Criminal Original Petition has been filed to call for the records on the file of the 1st respondent police in Crime No.12 of 2024 and quash the same in so far as the petitioner is concerned.

2.The case of the prosecution is that on 14.11.24 the defacto complainant has lodged a complaint to the first respondent alleging that he is having punja lands to an extent of 5 acres in S.No.267/7A, Ariyakudi Village, Karaikudi Taluk and he intended to sell it to four persons. For the purpose of registration of the sale deeds, he approached a Stamp Vendor/Document Writer/A2. She demanded an additional sum of Rs.5,000/- apart from the fees and cost of the stamp papers by stating that it has to be paid to the Sub Registrar/A1 as illegal gratification. After preparing the documents on 12.11.2024, the defacto complainant went to the office of the second accused. She again demanded a sum of Rs.40,000/- by saying that the first accused demanded the same and thereafter, the defacto complainant went to meet the first accused and enquired. He has stated that one third person has raised objection by alleging that the property did not have the pathway. The defacto complainant explained him the availability of the pathway. However. the



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first accused told him that he should do how he was instructed by the Document Writer/A2, then only the documents can be registered on the next day. In this regard he went to the Sub Registrar Office on 13.11.2024 and he was once again contacted by the second accused stating that the Sub Registrar/A1 wanted a sum of Rs.1,00,000/- from him. As the defacto complainant was not able to give the money immediately, the documents were not released and were kept pending. When the defacto complainant met the Sub Registrar, he told him that since the defacto complainant did not give the money as demanded, it was reduced to Rs.60,000/- and instructed to pay it to A2. When the defacto complainant contacted A2 through phone, she has also confirmed the same. The defacto complainant intended to give the illegal gratification, has given a complaint before the first respondent.

3.The learned counsel for the petitioner submitted that the documents have been withheld only for inspection and the defacto complainant is a vendor, who has already authorised the purchasers to receive the documents, cannot have any interest and hence, the allegations made in the FIR cannot make a prima facie case especially against the first accused/petitioner. He further submitted that the CCTV footage would show that the defacto complainant never visited the



petitioner at his office during the relevant dates. as alleged by the defacto complainant.

4.The learned Additional Public Prosecutor, who takes notice for the respondent submitted that the FIR has got enough incriminating statements made by the defacto complainant about the involvement of the first accused and hence, it cannot be stated that there is no prima facie material available. It is further submitted that the vendor and the purchasers are siblings and hence, the vendor has got the interest to get the documents released.

5.On a perusal of FIR, it is seen that the defacto complainant has made allegations about the active role played by the first accused and he had only instructed the Document Writer/A2 to receive amount for the purpose of releasing the documents. His further averments in the complaint would reveal that subsequent to the advice given by the first accused, the defacto complainant called the second accused and she also confirmed the said facts, which shows the understanding between the first and second accused.

6.Subsequent to the complaint given by the defacto complainant, trap proceedings has been initiated and the second accused



has been caught red handed in the trap proceedings. It is further submitted that even before the trap proceedings, the defacto complainant was accompanied along with the shadow witness, who has heard the conversation between the defacto complainant and the first accused and during that time also, the first accused reiterated the demand he made earlier.

7.Even though the defacto complainant was the vendor, he has authorised the purchasers to get the documents after registration. The fact remains that the defacto complainant is the brother of the purchasers, hence, he has showed interest to get back the documents after registration and hand it over to his siblings, who are the purchasers.

8.The fact remains that the defacto complainant alleged about the prior conversation with the first accused and all his interaction with the second accused was only done as how he was instructed by the first accused. In such case, it cannot be said that the case of the prosecution does not have any prima facie materials to make out a case against the first accused.

9.In the trap proceedings money has been recovered from the second accused. While the defacto complainant fetched up a



conversation with the first accused with regard to the demand of amount for the purpose of releasing the registered documents, a shadow witness has also been accompanied with the defacto complainant. On such case, statement of the shadow witness to be obtained during the investigation and it will be helpful to file a charge sheet.

10.This is not a case where the case of the prosecution does not have any legs to stand on the face of the FIR. There are materials to make out a prima facie case against the first accused, no premature conclusion can be arrived at the stage of FIR. As there are concrete allegations made by the defacto complainant about the demand made by the first accused and he had instructed the defacto complainant to contact the second accused to do what she had told to him, it is for the investigating agency to cull out the truth by making proper investigation.

11.As the first respondent has rightly registered a case basing upon the allegations made by the defacto complainant and the investigation is also in progress, I do not find that any rowing enquiry has to be done at this initial stage on the presumption that the prosecution did not have any case to stand and I do not find merits in this petition and it is liable to be dismissed.



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12.Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

11.08.2025

Index : Yes/No
Internet : Yes/No
PNM

To

1.The Special Judge,
Special Court of Prevention of Corruption Act, Tiruchirappalli.

2.The Inspector of Police,
Vigilance and Anti Corruption,
Tiruchirappalli.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R.N.MANJULA, J.

PNM

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