



Crl.R.C.(MD)No.1275 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 08.10.2025

Delivered on : 25.10.2025

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THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.1275 of 2025

Arvind Subramanyan

: Petitioner

Vs.

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

2.Suresh Subramanian

: Respondents

PRAYER : Criminal Revision Petition filed under Section 438 r/w 442 BNSS, to call for the records relating to the order passed in Crl.M.P. No.154 of 2024, dated 03.04.2025 on the file of the learned Special Judge, Special Court for Prevention of Corruption Act cases, Tirunelveli and set aside the same.

For Petitioner

: Mr.A.Siva Subramaniyan,



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For Respondents : Mr.S.Ravi,
Additional Public Prosecutor,
for R1.

ORDER

The Criminal Revision is directed against the order passed in CrI.M.P.No.154 of 2024, dated 03.04.2025 on the file of the learned Special Judge, Special Court for Prevention of Corruption Act cases, Tirunelveli, dismissing the petition filed under Section 156(3) of Cr.P.C.

2. The case of the petitioner is that he is the owner of 15 flats in Luxuriya Apartments, located at 10, Madurai Road, Tirunelveli Junction and out of 15 Flats, he already sold 6 flats to individual buyers and is holding the remaining 9 flats. The second respondent purchased Flat No.6 from the revision petitioner and he approached the petitioner and offered to take steps with Corporation for getting the drinking water connection for the apartment.

3. The petitioner agreed to the second respondent's offer with two specific conditions ie., he should not pay any bribe to any one in the



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process of obtaining water service connection and he should not do any work of actually laying water pipelines. When the revision petitioner was out of station, the second respondent, without his permission and against the conditions imposed, laid the pipeline from main road to about 15 feet inside the driveway of the second respondent and by giving Rs.15,000/- as bribe for obtaining water connection.

4. The second respondent gave a paper listing out the expenses incurred for getting service connection and for laying of pipeline, which includes Rs.15,000/- given as bribe. The second respondent has also sent the above particulars to the residents of the said apartment through their whatsapp group. The petitioner lodged a complaint before the Tirunelveli Vigilance and Anti-Corruption Police on 03.07.2023 with regard to the bribe given and requesting them to take action against the second respondent. In the enquiry conducted on 04.03.2024, the petitioner was examined and at that time, he gave the list of expenses given by the second respondent and also the message shared through whatsapp.



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5. Since the second respondent has informed at the enquiry that bribe amount was given through the petitioner's previous Manager Rengasamy, he was also summoned and examined. The petitioner's previous manager has informed that he never received any amount nor gave it to any person as bribe.

6.The Superintendent of Police, Vigilance and Anti Corruption, Southern Range sent a letter, dated 18.04.2024, to the petitioner informing him that his complaint was forwarded to the Commissioner of Police, Tirunelveli City for necessary enquiry. But no enquiry was conducted and hence, the petitioner was constrained to file the above petition under Section 156(3) of Cr.P.C., for registration of the case and for investigation.

7. The learned Special Judge has taken the petition filed under Section 156(3) of Cr.P.C., on file in CrI.M.P.No.154 of 2024 and upon perusing the petitioner's affidavit and the counter affidavit filed by the Vigilance and Anti Corruption Police, Tirunelveli and on hearing the



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submissions made by the learned counsel for the petitioner as well as the Special Public Prosecutor, by observing that the petitioner has not shown any *prima facie* materials to proceed further, dismissed the petition vide order, dated 03.04.2025. Aggrieved by the order of dismissal, the present revision came to be filed.

8.As already pointed out, the Inspector of Police, Vigilance and Anti Corruption Police, Tirunelveli, filed a counter statement before the Special Court and according to them, the complaint sent by the petitioner has been received by the Director of Vigilance and Anti Corruption on 18.07.2023 and the same has been forwarded to the Vigilance and Anti Corruption, Tirunelveli, Detachment for its factual verification and to report.

9. Pursuant to the order from the Office of the Director of Vigilance and Anti-Corruption, Chennai, the Additional Superintendent of Police, Vigilance and Anti-Corruption, Tirunelveli, conducted an enquiry. During the enquiry, the petitioner was examined on 04.03.2024 and submitted a white paper with water connection expenses noted on it to the Additional



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Superintendent of Police. However, no signature of the second respondent/Suresh Subramanian was found on the white paper, and the petitioner has not submitted any evidence to show that the second respondent paid a bribe to someone in the Highways Department for providing a water service connection.

10. The Additional Superintendent of Police proceeded with the enquiry, recording statements from the second respondent/Suresh Subramanian and Thiru.S.N.Rengasamy on 06.03.2024. During the enquiry, neither the second respondent nor Thiru.S.N.Rengasamy stated that Highways Department officials demanded or received a bribe for providing a water supply connection. The petitioner failed to produce credible documents supporting the claim that the second respondent gave a bribe to officials. Upon completing the enquiry, the Additional Superintendent of Police prepared a factual verification report and submitted it to higher authorities, concluding that there was insufficient evidence and no *prima facie* case. Subsequently, the Superintendent of Police, Southern Range, Vigilance and Anti-Corruption, Chennai, forwarded the petition to the Commissioner of Police, Tirunelveli City,



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the competent authority, for action, as the matter required verification by the concerned department.

11. In the counter statement, the Vigilance and Anti-corruption has also taken a stand that the sanction of prosecution is a pre-condition for ordering an investigation even at the pre-cognizance stage and that therefore, the petition filed under Section 156(3) of Cr.P.C., cannot legally be entertained.

12. The first respondent has produced the copy of factual verification report on the petition received from the petitioner along with copies of the statements recorded from the petitioner, second respondent and the petitioner's previous manager S.N.Rengasamy.

13. It is not in dispute that the petitioner is now owning 9 flats in Luxuriya Apartments and he agreed for the proposal to get water service connection for the apartment through the second respondent. Since the petitioner has not paid the amount allegedly spent by the second respondent for getting water service connection, the second respondent



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lodged a complaint before the Assistant Commissioner of Police, Tirunelveli Junction, Tirunelveli City and both the petitioner as well as the second respondent entered into a compromise in C.No.107/SCP/Section. But subsequently, as evident from the records that the petitioner lodged a complaint before the Vigilance and Anti-Corruption Department, Tirunelveli alleging that the second respondent gave bribe to the Highways Department officials and on that basis, enquiry was conducted and factual verification report came to be submitted.

14. The learned Additional Public Prosecutor appearing for the State would submit that the Additional Superintendent of Police, Vigilance and Anticorruption, Tirunelveli, conducted enquiry, recording the statement of the petitioner on 04.03.2024 and the second respondent on 06.03.2024. According to the prosecution, since the second respondent has informed at the enquiry that the amount was paid from the petitioner's Apartment Manager Thiru.S.N.Rengasamy, he was also summoned and examined.



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15. The learned Additional Public Prosecutor would further submit that the second respondent as well as the Apartment's previous manager Thiru.S.N.Rengasamy had stated that no bribe was paid. It is the further case of the prosecution that the petitioner has not chosen to produce any other documents to show that bribe was paid and that there are *prima facie* materials to proceed against the second respondent further.

16. The learned Special Judge, considering the aforementioned aspects and taking note of the factual verification report of the Vigilance and Anti-Corruption Department, as well as the petitioner's failure to produce *prima facie* evidence to proceed against the second respondent, found no basis for taking action on the petition filed under Section 156(3) of Cr.P.C. and dismissed it.

17. Given that the petitioner's complaint was thoroughly enquired into and considering the factual verification report, coupled with the petitioner's inability to establish a *prima facie* case, the learned Special Judge's decision to dismiss the petition under Section 156(3) Cr.P.C. warrants no interference.



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18. The learned Additional Public Prosecutor would also contend that the sanction of prosecution is a pre-condition for ordering an investigation even at the pre-condition stage and that the petitioner has not even named the officials, who had taken bribe and in the absence of any sanction, the learned Special Judge has no other option, but to dismiss the petition.

19. As rightly pointed out by the learned Additional Public Prosecutor, the Hon'ble Apex Court in *Anil Kumar and others Vs.M.K.Aiyappa and another* reported in *(2013) 10 SCC 705*, has specifically observed that even though the power to order investigation under Section 156(3) of Cr.P.C can be exercised by a Special Judge appointed under Section 3 of Prevention of Corruption Act, the requirement of a sanction is the pre-requisite and that therefore, the sanction of prosecution is a pre-condition for ordering an investigation even at the stage of pre-cognizance stage. In the absence of any sanction, the learned Special Judge has no jurisdiction to pass any order in the petition filed under Section 156(3) of Cr.P.C., ordering investigation.



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20. Viewing from this angle also, the impugned order cannot be found fault with. Hence, this Court concludes that the Criminal Revision Case is devoid of merits and the same is liable to be dismissed.

21. In the result, the Criminal Revision Case is dismissed.

25.10.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Special Judge, Special Court for
Prevention of Corruption Act cases, Tirunelveli.
- 2.The Inspector of Police,
Vigilance and Anti-Corruption,
Tirunelveli.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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K.MURALI SHANKAR,J.

das

Pre-delivery order made in
Crl.R.C.(MD)No.1275 of 2025

Dated: 25.10.2025