



Crl.O.P.(MD)No.17141 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 13.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.17141 of 2025

and

Crl.M.P.(MD)No.14013 of 2025

Mary Jemitha

... Petitioner/
Sole Accused

Vs.

1.State of Tamilnadu rep. by,
The Inspector of Police,
Vigilance and Anticorruption,
Tenkasi.
(Crime No.4 of 2025)

... 1st Respondent/
Complainant

2.Selvakumar

...2nd Respondent/
Defacto
Complainant

PRAYER: Criminal Original Petition filed under Section 528 B.N.S.S.,
to call for the records in Crime No.4 of 2025 on the file of the first
respondent and quash the same.

For Petitioner : Mr.C.Kuthalingam

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



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ORDER

This Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders to call for the records in Crime No.4 of 2025 pending on the file of the first respondent police and quash the same.

2. The petitioner is the sole accused in Crime No.4 of 2025 on the file of the first respondent police.

3. On the basis of the complaint lodged by the second respondent, FIR came to be registered in Crime No.4 of 2025 against the petitioner for the alleged offence under Section 7 of the Prevention of Corruption Act, 1988 as amended in Act 16 of 2018.

4. The case of the prosecution is that there existed some money transaction between the second respondent and one Chelladurai, who was working in the agriculture fields of the second respondent, that the second respondent allegedly kidnapped the said Chelladurai and on the basis of the complaint received, FIR came to be registered in Crime No. 96 of 2025 against the second respondent on the file of the Kadayam



Police Station for the offences under Sections 296(b), 140(3) and 351(3)

B.N.S., that the second respondent had obtained anticipatory bail, that during investigation, the second respondent has been complying with the condition imposed by the Sessions Court while granting anticipatory bail, that when the second respondent appeared before the petitioner, the petitioner demanded Rs.30,000/- for returning the cash seized in the above case and that therefore, the second respondent lodged the above complaint against the petitioner.

5. The learned counsel appearing for the petitioner would submit that the second respondent, after obtaining anticipatory bail, has failed to comply with the conditions and hence, an application for cancellation of anticipatory bail came to be filed and the same was allowed and aggrieved by the same, the second respondent lodged a false complaint against the petitioner.

6. The learned Additional Public Prosecutor appearing for the first respondent police would submit that they have examined 36 witnesses and completed the investigation and draft charge sheet was sent for approval and moreover, whether the allegation of demanding bribe



amount cannot be gone into in the present proceedings and is matter for trial.

7. The Hon'ble Supreme Court in the case of ***State of Haryana and others Vs. Bhajan Lal and others*** reported in ***1992 SCC (Cri) 426*** has enumerated 7 categories of cases, where the power can be exercised under Section 482 of Code of Criminal Procedure and the same are extracted hereunder:-

“102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.



(1) where the allegations made in the First Information Report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused;

(2) where the allegations in the First Information Report and other materials, if any, accompanying the F.I.R. do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code;

(3) where the uncontroverted allegations made in the FIR or 'complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused;

(4) where the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code;

(5) where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever



reach a just conclusion that there is sufficient ground for proceeding against the accused;

(6) where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party;

(7) where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

8. In ***Dr.Dhruvaram Murlidhar Sonar Vs. The State of Maharashtra and others*** reported in **2019 (18) SCC 191**, the Hon'ble Apex Court has specifically held that exercise of powers under Section 482 Cr.P.C. to quash the proceedings is an exception and not a rule. It is settled law that the inherent jurisdiction under Section 482 Cr.P.C. is wide but at the same time, the same is to be exercised sparingly, carefully and with caution and only when such exercise is justified by the tests



specifically laid down in the Section itself.

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9. The Hon'ble Supreme Court in ***Kaptan Singh Vs. The State of Uttar Pradesh and others*** reported in **2021 (3) Crimes 247** has stated that, that Court in catena of decisions has observed that the High Court is not required to go into the merits of the allegations and/or enter into the merits of the case as if the High Court is exercising the appellate jurisdiction and/or conducting the trial and that question is required to be examined keeping in view, the contents of FIR and *prima facie* materials, if any, requiring no proof and at such stage, the High Court cannot appreciate evidence nor can it draw its own inferences from contents of FIR and materials relied on.

10. It is pertinent to note that if the petition under Section 528 B.N.S.S. was filed at the stage of FIR, the allegations in the FIR/ complaint only are required to be considered.

11. In the case on hand, as rightly contended by the learned Additional Public Prosecutor, a cursory perusal of the FIR and other materials make out a *prima facie* case against the petitioner and it is a



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matter for investigation. As already pointed out, investigation has already been completed. Hence, this Court concludes that the criminal original petition is devoid of merits and the same is liable to be dismissed.

12. In the result, this Criminal Original Petition stands dismissed. The first respondent police is directed to file a final report before the jurisdictional Court within a period of three months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is closed.

13.10.2025

NCC:Yes/No
Index:Yes/No
Internet:Yes/No
csm

To

- 1.The Inspector of Police,
Vigilance and Anticorruption,
Tenkasi.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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K.MURALI SHANKAR, J.

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ORDER MADE IN

CrI.O.P.(MD)No.17141 of 2025
and
CrI.M.P.(MD)No.14013 of 2025

Dated : 13.10.2025