IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2026

CORAM:

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.8398 of 2026
and Crl.M.P.No.5962 of 2026

S.S.Rajasekar ... Petitioner

Vs.

1. The State represented by,
   The Inspector of Police,
   Vigilance & Anti-Corruption,
   Salem.
   (Crime No.22/AC/2025)

2. K.G.Balaji ... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita/482 Cr.P.C., to call for the records relating to Crime No.22/AC/2025 dated 24.12.2025 on the file of the first respondent police and quash the same.

For Petitioner	:	Mr.M.Ramalingam
For R1	:	Mr.S.Udayakumar Government Advocate (Criminal Side)

O R D E R

This Criminal Original Petition has been filed seeking quashment of Crime No.22/AC/2025, pending on the file of the first respondent police as against the petitioner.

2. The brief facts of the case are as follows:-

2.1. Based on the complaint dated 24.12.2025 given by the *de facto* complainant/R2 alleging that the petitioner/accused, who was working as a Village Administrative Officer, had demanded illegal gratification of Rs.2,000/-, for processing the applications filed for issuance of death certificates of the *de facto* complainant/R2's step-mother and her daughter, a case in Crime No.22/AC/2025 was registered on 24.12.2025 for the offence under Section 7(a) of the Prevention of Corruption Act, 1988 (as amended in 2018).

2.2. After registration of the case, one Arunprasath, a Junior Assistant in the Employment and Training Department, was summoned to be as a shadow witness and a trap was laid by the first respondent.

2.3. During the trap, on the demand made by the petitioner/accused, the *de facto* complainant/R2 handed over the chemically treated money to the petitioner/accused. The petitioner/accused received the same in his right hand and kept it in the left side pocket of his shirt. The occurrence was witnessed by the shadow witness. Subsequently, the tainted money was recovered from the petitioner/accused by the first respondent police and he was arrested and investigation is pending.

3. The submissions of the learned counsel appearing for the petitioner are as follows:-

3.1. The petitioner is an innocent person and was working as the Village Administrative Officer with a clean track record.

3.2. Earlier, the petitioner had lodged a complaint against one Prakash for theft of river sand, based on which, a case in Crime No.802 of 2021 was registered on the file of the Pallapatty Police Station, Salem City, for the offences under Section 379 of IPC and Section 21(1) of Mines and Minerals (Development & Regulation) Act. The present complaint against the petitioner has been filed with an ulterior motive, at the instigation of the said Prakash, the accused in Crime No.802 of 2021, as an act of wreaking vengeance.

3.3. In respect of the application filed by the de facto complainant/R2, the petitioner/accused, being a VAO, had processed the application and handed over the same to the *de facto* complainant/R2 with the recommendation to forward the same to the Revenue Inspector on 22.12.2025 itself. When the petitioner had already prepared the report and handed it over to the *de facto* complainant/R2, there is no question of demand of money.

3.4. Further, on the alleged date of the trap, the money was placed by the de facto complainant/R2 beneath a register kept in the rack behind the petitioner's seat and only on the instructions of the Trap Laying Officer (TLO), the petitioner had taken the same and handed it over to him and only thereafter, the phenolphthalein test was conducted.

3.5. There was no demand or acceptance of money and the entire trap proceedings is stage-manged to fix the petitioner in the case. Hence, the registration of the FIR and continuation of the investigation, based on the stage-managed trap proceedings is an abuse of process of law and hence, the same is liable to be quashed.

4. The submissions of the learned Government Advocate (Criminal Side) are as follows:-

4.1. It is the case where the petitioner demanded a bribe of Rs.2,000/- from the *de facto* complainant/R2 for processing his applications.

4.2. The *de facto* complainant/R2, after the death of his father, applied for a succession certificate on 15.10.2025, during which he was instructed to produce the death certificate of his father's first wife and their daughter. Accordingly, he applied for the same on 04.11.2025.

4.3. The petitioner, being the Village Administrative Officer, has to process the said application for which, he demanded Rs.2,000/- on 12.12.2025 and reiterated the demand on 22.12.2025. As the *de facto* complainant/R2 was not willing to pay the bribe, he lodged a complaint before the first respondent on 24.12.2025.

4.4. Based on the said complaint, a trap was laid and the *de facto* complainant/R2, along with the shadow witness and the TLO, went to the office of the petitioner/accused. The accused once again reiterated the demand and accepted the illegal gratification of Rs.2,000/- which was chemically treated, and kept it in his shirt pocket on the left side and thereafter, handed over two files relating the application of the *de facto* complainant/R2 and asked him to hand over them to R.I. When the *de facto* complainant/R2 started to move out of the office, the petitioner/accused had taken the money from his pocket and had placed it beneath the register in a rack which was behind his seat.

4.5. On the signal given by the *de facto* complainant/R2, the TLO entered into the office of the petitioner/accused and on being identified by the *de facto* complainant/R2, conducted phenolphthalein test which turned positive. When questioned, the petitioner admitted to having received the amount. Further, in respect of the trap, a recovery mahazar was drawn up.

4.6. Though the petitioner claims that the files relating to the application of the *de facto* complainant/R2 were handed over to him, the fact remains that the task of issuing death certificates was not over and the money was obtained only for the purpose of recommending for issuance of the death certificates. Since it is the case registered for the offence under Section 7 of the Prevention of Corruption Act and phenolphthalein test having turned positive, the presumption is raised against the petitioner/accused under Section 20 of the Prevention of Corruption Act which can be rebutted only at the time of trial.

4.7. Further, there is no nexus between the *de facto* complainant/R2 and the said Prakash, who is an accused in Crime No.802 of 2021. The *de facto* complainant/R2 has applied for the issuance of death certificates, for which the petitioner/accused demanded the money and therefore, the claim of the petitioner that a false case has been registered at the instigation of Prakash as an act of wreaking vengeance has no relevance.

4.8. Further, the investigation is in its initial stage and all aspects will be looked into. Further, the Hon'ble Supreme Court, in the case of *State Vs. M.Maridoss and Another* reported in (*2023) 4 SCC 338,* has held that, as per the settled position of law, it is the right conferred upon the investigating agency to conduct the investigation and reasonable time should be given to the investigating agency to conduct the investigation, unless it is found that the allegations in the FIR do not disclose any cognizable offence at all or the complaint is barred by any law. Therefore, the first respondent police have to be given a reasonable time to get along with the investigation. Hence, the First Information Report against the petitioner does not deserve to be quashed.

5. Having heard the learned counsel appearing on either side and upon perusal of the materials available on record and taking note of the fact that the investigation is in its nascent stage, this Court is of the view that since the phenolphthalein test has turned positive, a presumption has been raised against the petitioner which can be rebutted only during the trial and not in a petition filed under Section 528 BNSS. Hence, this Court is not inclined to interdict the investigation.

6. Further, as held by the Hon'ble Supreme Court in *M.Maridoss (supra),* the right conferred upon the investigating agency should not be stifled and a reasonable time must be given to the investigating agency to conduct the investigation.

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

However, the first respondent police is directed to conduct the investigation properly, in accordance with law.

06.04.2026

Neutral Citation: Yes/No
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To

1. The Inspector of Police,
   Vigilance & Anti-Corruption,
   Salem.

2. The Public Prosecutor,
   High Court of Madras.

A.D.JAGADISH CHANDIRA, J.

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