



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-06-2026

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THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 9890 of 2026

and

CRL MP Nos. 7075 and 7077 of 2026

M.Murgan
S/o.Marimuthu
132, 1st Cross Street,
Friends Nagar, Oulgaret
Reddiyarpalayam
Puducherry - 605 010

..Petitioner

Vs

1. The State Rep By Its
The Deputy Superintendent of Police,
Vigilance and Anti Corruption,
Villupuram District
2. A.Settu
S/o.Aadhiulam
No.17 Mettur Street Saalamedu,
Villupuram District.

..Respondents

Prayer : Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, to call for records in Spl.C.No.1 of 2026 on file of the Learned Principal District and Sessions Judge, Villupuram.

For Petitioner:

Mr.N.R.Elango, Senior Counsel
Assisted by Mr. A.S.Aswin Prasanna

For Respondents:

Mr.R.Ganesh Kumar,
Counsel for Government of Tamil Nadu
(Criminal Side) for R1
No appearance for R2



ORDER

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This Criminal Original Petition has been filed seeking to quash the proceedings in Spl.C.No.1 of 2026 on the file of the Principal District and Sessions Judge, Villupuram.

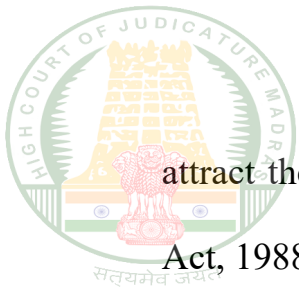
2. Heard the learned counsel appearing for the petitioner and the Counsel for Government of Tamil Nadu (Criminal Side) appearing for the first respondent. Though notice has been served on the second respondent, none appeared on behalf of the second respondent either in person or through pleader. Perused the materials available on record.

3. The case of the prosecution is that the defacto complainant's grandson, Vinoth, who was acting as a Power of Attorney holder for the sale of 16 plots in "Om Sakthi Nagar" at Thiruvannainallur, was informed on 09.08.2024 at the Sub-Registrar Office that certain plots had been withheld from registration. When the defacto complainant questioned the petitioner, who was then serving as the Executive Officer of the Thiruvannainallur Town Panchayat, on 13.08.2024 regarding the reason for withholding the plots, the petitioner allegedly demanded a bribe of Rs.3,00,000/- for resolving the issue. Subsequently, on 19.08.2024, after negotiations, the alleged demand was reduced to Rs.1,80,000/-.



4. Based on the complaint lodged by the defacto complainant, a trap was organized on 21.08.2024. During the trap proceedings, the petitioner was allegedly caught red-handed while receiving the illegal gratification of Rs.1,80,000/-, leading to the registration of the case against him. On the said complaint, the first respondent registered an FIR in Crime No.6 of 2024 for the offence punishable under Section 7 of the Prevention of Corruption Act, 1988. After completion of the investigation, the first respondent filed a final report and the same has been taken cognizance by the Trial Court in Spl.C.No,1 of 2026.

5. The learned Senior Counsel appearing for the petitioner submits that, while the petitioner was working as the Executive Officer of the Town Panchayat, Thiruvannainallur, a trap was laid pursuant to a complaint lodged by the second respondent, in which the petitioner caught red-handed. He further submitted that there was absolutely no circumstances warranting any demand for illegal gratification, since the petitioner has no official capacity to raise objections with regard to installation of a drinking water pipe line. According to the petitioner, the same has been confirmed by the concerned authority. Further, the petitioner has been falsely implicated and trapped with mala fide intention at the instance of other officials. However, these contentions involve disputed questions of fact, which can be considered only by letting evidence during trial before the Trial Court. Further, there are specific allegations to

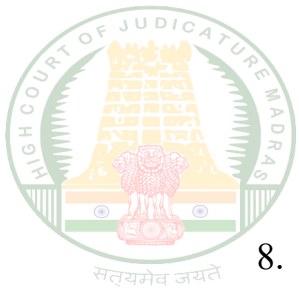


attract the offence punishable under Section 7 of the Prevention of Corruption Act, 1988.

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6. The Hon'ble Supreme Court of India in the judgment reported in **2019 (4) SCC 351** in the case of **Devendra Prasad Singh Vs. State of Bihar & Anr., (Crl.A.No.579 of 2019 dated 02.04.2019)** while dealing with the petition to quash the entire criminal proceedings held that the High Courts have no jurisdiction to appreciate the statement of the witnesses and record a finding that there were inconsistencies in their statements and therefore, there was no *prima facie* case made out as against the accused. It could be done only by the trial Court while deciding the issues on the merits or/and by the Appellate Court while deciding the appeal arising out of the final order that the charge sheet has been laid on the basis of the inconsistency statement under Section 161 of Cr.P.C./180 of the Bharatiya Nagarik Suraksha Sanhita, 2023. (*any one*)

7. Further, the Hon'ble Supreme Court of India in the judgment reported in **2019 (10) SCC 686** in the case of **Central Bureau of Investigation Vs. Arvind Khanna, (Crl.A.No.1572 of 2019 dated 17.10.2019)** held that the High Courts cannot record the findings on the disputed facts. The defence of the accused is to be tested after appreciation of evidence by the trial Court during the trial. Therefore, this Court has no power to consider the disputed facts under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.



8. The Hon'ble Supreme Court of India in another judgment dated **02.12.2019** passed in ***Crl.A.No.1817 of 2019*** in the case of ***M.Jayanthi Vs. K.R.Meenakshi & anr***, held that while considering the petition for quashment of complaint or charge sheet, the Court should not embark upon an enquiry into the validity of the evidence available. All that the Court should see is as to whether there are allegations in the complaint which form the basis for the ingredients that constitute certain offences complained of. Further, the Court can also see whether the preconditions requisite for taking cognizance have been complied with or not and whether the allegations contained in the complaint, even if accepted in entirety, would not constitute the offence alleged. Whether the accused will be able to prove the allegations in a manner known to law would arise only at a later stage i.e., during trial.

9. Further, this Court cannot observe at this stage as to whether the initiation of criminal proceeding itself is malicious or not. The same is required to be considered at the conclusion of the trial. Therefore, the ground raised by the petitioner to quash the final report/charge sheet cannot be entertained.

10. In view of the above discussion, this Court is not inclined to quash the proceedings in Spl.C.No.1 of 2026 on the file of the Principal District and Sessions Judge, Villupuram. However, the petitioner is at liberty to raise all the



grounds before the trial Court. The Trial Court is directed to complete the trial within a period of twelve months from the date of receipt of copy of this Order.

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11. Accordingly, the Criminal Original Petition stands dismissed.

Consequently, connected miscellaneous petitions are also closed.

01-06-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

LPP

To
The Principal District and Sessions Judge,
Villupuram.

2. The Deputy Superintendent of Police,
Vigilance and Anti Corruption,
Villupuram District

3. The Public Prosecutor,
High Court, Madras.



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CRL OP No. 9890 of 2



G.K.ILANTHIRAIYAN J.

LPP

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