



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-06-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 14763 of 2026

and

Crl.M.P.Nos.9448 & 9450 of 2026

K.Senthilkumar
S/o.Kasilingam,
No.54, LRC nagar,
Kottai Village,
Athur Post and Taluk,
Salem District.

..Petitioner(s)

Vs

1. State rep.by,
The Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Villupuram.
Cr.No.18/AC/2018/VPM.
2. Tr.B.Muthukumar
S/o.Balasubramanian,
Kootakudi Village and Post,
Kallakurichi Taluk,
Villupuram District.

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 528 of BNSS to call for the records in Spl.CC.NO.14 of 2025 pending on the file of the Principal District and Sessions Judge at Kallakurichi and quash the same.

For Petitioner(s):

MR.R.Rajaratjhinam Senior Counsel
for M/S. Swamisubramanian

For Respondent(s):

Mr.R.Ganesh Kumar
Govt.Advocate (Criminal Side) for R1

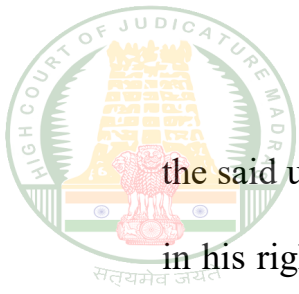


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ORDER

The petition has been filed to quash the Spl.CC.NO.14 of 2025 pending on the file of the Principal District and Sessions Judge at Kallakurichi and quash the same.

2. The case of the prosecution is that on 07.09.2018 at about 11:00 a.m., at the MVI Office in Kallakurichi, when the de facto complainant approached the accused with the necessary papers and the vehicle for renewal of the Fitness Certificate (F.C.), the accused instructed the de facto complainant to pay all taxes and fees, and also demanded Rs. 25,000/- as illegal gratification. This demand was an undue advantage for making recommendations in the CFRA form or by means of a separate letter to the RTO to enable the payment of permit fees, and for processing the work relating to the renewal of the F.C. The accused obtained the said undue advantage in his capacity as a public servant for himself by abusing his position as a public servant and through corrupt and illegal means. Hence, the accused appears to have committed an offence punishable under Section 7 of the Prevention of Corruption Act, 1988, as amended by the Prevention of Corruption (Amendment) Act, 2018. At the same time and place, the accused, K. Senthilkumar (A2), abetted A1 in obtaining the aforesaid undue advantage of Rs. 25,000/- by intentionally aiding and receiving



the said undue advantage, fully knowing the nature of the money, and keeping it in his right back pant pocket. Hence, A2 appears to have committed an offence under Section 12 read with Section 7 of the Prevention of Corruption Act, 1988, as amended by the Prevention of Corruption (Amendment) Act, 2018.

3. The learned Senior Counsel would submit that even according to the prosecution's case, the petitioner is only alleged to have abetted the first accused to commit the offence under Section 12 read with Section 7 of the Prevention of Corruption Act, 1988, as amended by the Prevention of Corruption (Amendment) Act, 2018. Normally, RTO officials direct individuals to give money to their assistants. In this case, however, the first accused, being the Motor Vehicle Inspector, allegedly handed over the money to the second accused after receiving it himself. Therefore, the offence of abetment is not at all attracted against the petitioner.

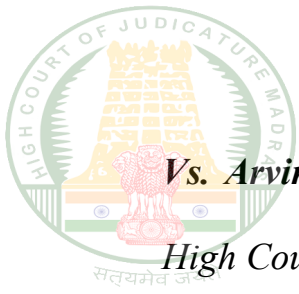
4. On a perusal of the records and the submissions made on both sides, it is seen that the second accused was also present when the first accused demanded and received the bribe. Further, the first accused, upon receipt of the money, handed it over to the second accused, after which a trap was laid and the accused were caught red-handed. The phenolphthalein test conducted by the prosecution also returned positive. The petitioner herein further fabricated a



fake identity card by forging a signature to make it appear as though he was issued an ID card as an assistant to the first accused. There is no such official post, and he was not authorized to assist the first accused. Therefore, there is clinching evidence to attract the offence under Section 12 read with Section 7 of the Prevention of Corruption Act, 1988, as amended by the Prevention of Corruption (Amendment) Act, 2018.

5. 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 180 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

6. *Frurther, 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.

7. 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.

8. 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.

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9. In view of the above discussion, this Court is not inclined to quash the proceedings in Spl.C.C.No.14 of 2025 on the file of the Principal District and Sessions Judge at Kallakurichi.

10. Accordingly, the Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petitions are also closed. However, the observations made in this Court cannot influence the trial Court.

11-06-2026

SMA

To

1. Principal District and Sessions Judge at Kallakurichi
2. The Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Villupuram.
3. The Public Prosecutor
Madras High Court.



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G.K.ILANTHIRAIYAN, J.

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