



Crl.OP.No.16269 of 2026

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2026

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.OP.No.16269 of 2026

and

Crl.MP.Nos.10717 & 10719 of 2026

G.Vadivel

... Petitioner

Vs.

1.The State, Inspector of Police,
Vigilance and Anti-Corruption,
Chennai City II Detachment,
Alandur, Chennai - 600016.
(Crime No.7/2019/AC/CC-II)

2.Captain S.Prabhakaran

... Respondents

Prayer: Criminal Original Petition filed under Section 528 of BNSS, praying to call for the records of the Charge Sheet in Spl.C.C.No.12 of 2025 on the file of Principal District Court, Chengalpattu District so far as the Petitioner is concerned and quash the same

For Petitioner : Mr.K.Balu

For Respondents

For R1 : Mr.R.Ganesh Kumar,
Counsel for Government of
Tamil Nadu (Criminal Side)



Crl.OP.No.16269 of 2026

ORDER

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This criminal original petition has been filed praying to quash the proceedings in Spl.C.C.No.12 of 2025 on the file of Principal District Court, Chengalpattu District.

2. The case of the prosecution is that on 18.05.2018, the *defacto* complainant submitted his application for getting approval of his building plan in the Office of the Block Development Officer, Thiruporur and he was asked to come on 24.05.2018. Due to his inconvenience he visited the office on 28.05.2018 and met A1/BDO. The complainant was informed to pay all the necessary development charges through DD. After paying the requisite charges, on 31.05.2018 the *defacto* complainant met A2 and handed over DD and mail receipts and also enquired the status of his planning approval, for which A2 demanded a sum of Rs.30,000/- as illegal gratification i.e. to pay for BDO, BDO's PA and for other expenses. When the *defacto* complainant asked A2 to allow him to meet BDO, A2 had taken him to A1. At that time, the *defacto* complainant requested A1 to reduce the amount and therefore, the initial demand of Rs.30,000/- was reduced to Rs.25,000/-. Thereafter, the *defacto* complainant approached the 1st respondent to set law in motion with



Crl.OP.No.16269 of 2026

regard to the bribe demanded by the accused i.e. A1 & A2 on 31.05.2018.

It was alleged that on 05.06.2018 at 11.00 AM, the *defacto* complainant along with official witnesses entered into the Office of BDO, Thiruporur and met A1 and enquired about his building plan approval and immediately A1 reiterated his earlier demand of Rs.25,000/- and when the *defacto* complainant was about to give the bribe money, A1 instructed the petitioner/A3 to receive the money from the *defacto* complainant and the petitioner/A3, on instruction given by A1, took away the *defacto* complainant out of the office room along with witness N. Rajasekar and received bribe money from the *defacto* complainant and it is also alleged that A1 by illegal means and by abusing his official position received the said amount through A3 and thus charges against A1, A2 and the petitioner/A3 were framed under Sections 7 and 13 (2) r/w 13 (1) (d) of Prevention of Corruption Act, 1988 in [Spl.S.C.No.2](#) of 2021 on the file of the Chief Judicial Magistrate Cum Special Judge, Chengalpattu and thereafter, the case was transferred to Principal District Court, Chengalpattu in [Spl.C.C.No.12](#) of 2025.

3. The learned counsel for the petitioner would submit that the petitioner is arrayed as A3. The first respondent has no jurisdiction to

Page 3 of 8



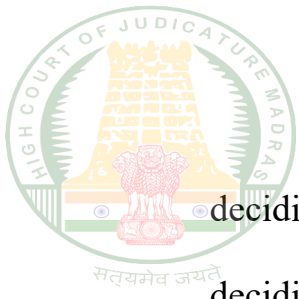
Crl.OP.No.16269 of 2026

investigation and file final report. Further, even according to the case of the prosecution, the petitioner was present in the office of the Block Development Officer and as directed by the first accused only, he received amount without knowing what for the amount was given to the petitioner. Further, the petitioner is working as Panchayat Secretary of Pudupakkam. He is no way connected with Kelambakkam Panchayat. He further submitted that the complainant already died.

4. On perusal of records, it is found that the above grounds can be considered only before the trial court by letting in evidence. Further, the first respondent has absolute jurisdiction to investigate and file final report. That apart, though the second respondent, being the complainant, died, the prosecution can continue as against the accused.

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

Page 4 of 8



Crl.OP.No.16269 of 2026

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. 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.

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



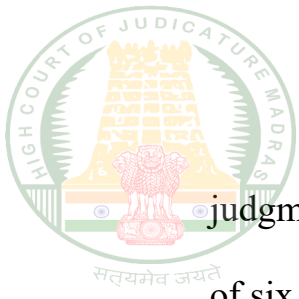
Crl.OP.No.16269 of 2026

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 grounds raised by the petitioner to quash the final report/charge sheet cannot be entertained.

9. In view of the above discussion, this Court is not inclined to quash the impugned proceedings. The petitioner is at liberty to raise all the grounds before the trial Court. Further, the personal appearance of the petitioner is dispensed with and he shall be represented by a counsel after filing appropriate application. However, the petitioner shall be present before the Court at the time of furnishing of copies, framing charges, questioning under Section 351 of BNSS and at the time of passing

Page 6 of 8



Crl.OP.No.16269 of 2026

judgment. The trial Court is directed to complete the trial within a period of six months from the date of receipt of this Order.

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10. Accordingly, the Criminal Original Petition stands dismissed.

Consequently, connected miscellaneous petitions are also closed.

24.06.2026

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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Crl.OP.No.16269 of 2026

G.K.ILANTHIRAIYAN, J.

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To

- 1.Principal District Court, Chengalpattu District
- 2.The State, Inspector of Police,
Vigilance and Anti-Corruption,
Chennai City II Detachment,
Alandur, Chennai - 600016
- 3.The Public Prosecutor,
High Court of Madras

Crl.OP.No.16269 of 2026

24.06.2026