IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-02-2026

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THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 31985 of 2025
Clr.M.P.Nos.22145 & 22148 of 2025

S.Babu

..Petitioner(s)

Vs

1. The State rep by
   The Deputy Superintendent of Police
   Vigilance and Anti-Corruption,
   Villupuram.
   Crime No.18/AC/2018/VPM.
2. The Inspector of Police
   Vigilance and Anit-Corruption,
   Villupuram.

3. B. Muthukumar

..Respondent(s)

Prayer:- Criminal Original Petition is filed under Section 528 of BNSS, pleased to call for the records in Spl.C.C.No.14 of 2025 pending on the file of the Principal District Court, Kallakuruchi and all further proceedings as against the Petitioner.

For Petitioner(s): Mr.M.Mohamed Riyaz

For Respondent(s): Mr.S.Udayakumar
Government Advocate (Criminal side)

ORDER

This Court on 21.11.2025 had passed the following order:

"*The petitioner/A1, who is facing trial in Spl.C.C.No.14 of 2025 for offence under Sections 7 and 12 r/w 7 of the Prevention of Corruption Act, 1988 as amended by the Prevention of Corruption (Amendment) Act, 2018, had filed this quash petition.*

2.The learned counsel for petitioner vehemently argued that the respondent created and fabricated documents to suit their case contrary to the truth. The petitioner was a former Motor Vehicle Inspector, Grade-I at Unit Office, Kallakurichi. It was projected as though the de-facto complainant approached the petitioner seeking Fitness Certificate for Mahindra Maxi cab vehicle bearing registration No.TN-31-AY-0678. Initially, it was projected that vehicle belongs to one Ramesh and thereafter, when he approached the petitioner, the petitioner said to have demanded Rs.25,000/- for issuance of Fitness Certificate and the de-facto complainant Muthukumar, who is running a driving school informed the demand of bribe to the said Ramesh and the Ramesh was not willing to pay bribe and directed the de-facto complainant to lodge a complaint. Thereafter the de-facto complainant lodged a complaint, trap laid and the recovery of trap amount shown from one Senthilkumar/A2.

3.According to the petitioner, the petitioner does not know A2. The petitioner has got nothing to do with A2. He further submitted that the vehicle belongs to one Subramanian. On the day of trap, i.e., on 11.09.2018, no application for fitness certificate *from the actual owner Subramanian was pending with the RTO. The application for fitness certificate was submitted after the trap, i.e., on 27.09.2018. On coming to know about the mistake committed, documents created by the respondents after a period of 7 months. The receipts would confirm that the payment made much after the date of trap. He further submitted that in this case trap was initiated by the Deputy Superintendent of Police (DSP), later investigation carried out by the Inspector of Police, which is in clear violation of Vigilance Manual. He further submitted that once a trap was laid by the DSP, the Inspector of Police being a subordinate naturally has to toe the line of the DSP. He cannot take a different view despite collection of materials. For this reasons documents have been fabricated in this case.*

4.In support of his contention, the petitioner referred to the documents and receipts, which forms part of the charge sheet. He further submitted that it is a motivated complaint since the petitioner was a strict officer, who inspect the vehicle thoroughly and issue certificate not heeding to the request of the driving school persons and now all teamed up and a false case has been fabricated. The petitioner attained superannuation and due to the pendency of the above case, he is unable to get his terminal benefits. The petitioner's family members are dependant on the terminal benefits.

5.The learned Additional Public Prosecutor strongly opposed the petitioner's contention and produced recovery mahazar and submitted that in the recovery mahazar, the document which the petitioner relying upon have been seized from the *petitioner's table which would confirm that the vehicle was in the name of Subramanian. The statement of Subramaniam confirms that since he is uneducated, signature alone obtained in the Forms and without knowing the contents of it he signed. Taking this as an advantage the petitioner is projecting a false case. He further seeks time to file his detailed counter.*

6.Post on 09.12.2025."

2.In continuation and conjunction to the above order, this Court is passing the following order.

3.The learned Government Advocate (Criminal side) filed his counter and submitted that on 07.09.2018 at about 11.00 a.m. at MVI Unit office, Kallakurichi, the third respondent/defacto-complainant approached the petitioner/A1 with necessary papers for renewal of F.C. The petitioner/A1 in this case instructed the defacto-complainant to pay all taxes and fees and also demanded Rs.25,000/- as illegal gratification for the purpose of making recommendation in CFRA form or by means of separate letter to RTO. So that he can pay the permit fees and also for processing the work relating to renewal of FC.

4.In pursuant to the demand, on 11.09.2018, between 11.20 a.m. and 11.40 a.m. at the entrance of MVI office, the petitioner / A1 sitting in his chair, obtained illegal gratification of Rs.25,000/- through A2 from the defacto-complainant, to perform his duties and obtained the said undue advantage in the capacity of public servant for himself by abusing his profession as a public servant and by illegal means. Hence, committed offence under Section 7 of Prevention of Corruption Act. K.Senthilkumar/A2 in this case abetted the petitioner / A1 by obtaining undue advantage of Rs.25,000/- knowing fully well the money received is the bribe money for A1. Hence, both accused committed offence.

5.During investigation, several witnesses examined and statements recorded and collected documents. After getting sanction from the sanctioning authority charge sheet filed. In this case witnesses LW1 to LW23 statement recorded and Exs.D1 to D34 collected. The points raised by the petitioner are in his defense which are disputed facts can be decided only during trial and not in this quash petition. Hence, strongly opposed this petition and prays for dismissal of this quash petition.

6.Considering the submissions and on perusal of the materials, it is seen that the petitioner’s contention is that the prosecution case is fundamentally flawed for several reasons and on the available statements and materials collected by the prosecution if accepted on its face value, then to no case made out. The entire case is by malafide and deserves to be struck down. Further submitted that the term “Remuneration” as defined under the Act would mean that something would done in consideration. If only the accused was in a position to do some favour to the complainant and for doing such favour, received any money. It would amount to remuneration and such a remuneration might be termed as illegal gratification.

7.In this case there is no indication that this petitioner made any demand for illegal gratification. Even according to the defacto-complainant it is stated that A1 asking him only whether he had brought the amount. In this case, the defacto-complainant was to pay several fees and charges to the department and thus alone charges and fees were asked. But it is now wrongly interpreted as though it is an illegal gratification. From the documents produced it is seen that the petitioner not fabricated any document. The defacto-complainant has no *locus standi* to file application for renewal of RC, when he is not an owner and not an authorised person. The vehicle does not belong to defacto-complainant nor to Ramesh. The entire case proceed on the promise that defacto-complainant acted on behalf of Ramesh who is said to be the owner of the vehicle. But the investigation reveals that as per the RTO records the vehicle bearing registration No.TN-31-AY-0678 is registered in the name of one Subramanian and not Ramesh and the defacto-complainant. As on the date of application he is not the owner. No permit and no application is in his name and the defacto complainant got nothing to do with the vehicle. The defacto-complainant is a stranger to the vehicle. In such circumstances, lodging a complaint that the accused demanded illegal bribe amount and trap conducted based on a false complaint is not sustainable. The other contention of the petitioner that challans relied on by the prosecution all generated after trap proceedings which were collected through RTI and referred to the typed set where in the challan dated 11.09.2018 stand in the name of Subramanian. There has been material contradictions with regard to illicit document and the document collected through RTI. The petitioner further referring to the statement of L.W.4 submitted that, the statement of L.W.4 / Subramanian confirms that RC still stands in his name and his photograph and signature found which would clearly prove that neither defacto-complainant nor Ramesh have any connection with the vehicle bearing Registration No. TN-31-AY-0678 to file application for issuance of fitness certificate. Hence, the contention of the petitioner is disputed by the respondent. Further the respondent submitted that there have been some latches in collection of document which will not turn the receipt of bribe amount as legal. Petitioner is attempting to take advantage and projected as though there was no demand of any bribe amount. The defacto-complainant / Muthukumar in his statement narrates demand of bribe amount and thereafter lodging a complaint with the respondent and respondent taking two official independent witnesses namely L.W.5 Mahavishnu, Assistant Engineer, TANGEDCO and L.W.6 Venkatraj, Deputy Tahsildar in their presence, the demand and acceptance of bribe, recorded in seizure mahazar and recovery mahazar. The phenolphthalein test conducted proved the receipt of bribe amount by the accused. In this case, the Investigating officer after completion of investigation, obtaining sanction for prosecution, filed the charge sheet before the trial Court. The trial Court on perusal of the charge sheet took cognizance and assigned Spl.C.C.No.14 of 2025. The contention of the petitioner are disputed and factual which can be considered during trial not in this stage. The only requirement is that whether there are *prima facie* materials to proceed and not beyond that.

8.In view of the above, this Court is not inclined to quash the proceedings against the petitioner. Accordingly, this Criminal Original Petition stands dismissed.

9.It is made clear that the trial Court shall proceed with the trial and pass orders not influenced on the observation made by this Court. Consequently, connected Criminal Miscellaneous Petitions are closed.

23-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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M.NIRMAL KUMAR, J.

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