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CRL OP No. 34638 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-02-2026

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 34638 of 2025

M.Venkatesan
S/o.Mannar,
No.49, 13th Cross Street,
Bommivilas, Nolambur,
Mogappair,
Chennai - 600 037.

Petitioner(s)/Accused

Vs

1. The State Rep by,
The Inspector of Police,
Vigilance and Anti Corruption,
Kancheepuram,
In Charge of Thiruvallur Detachment.

2.T.V.Umapathy
S/o.Veerassamy,
No.29/11, 3rd Street, Viswanathapuram,
Kodambakkam, Chennai-600 024.

Respondents

PRAYER: Criminal Original Petition filed under Sections 528 of BNSS, 2023 praying to quash the charge sheet in C.C.No.1 of 2022 on the file of Chief Judicial Magistrate cum Special Judge for PC Act Cases, Thiruvallur, arising from Crime No.03/AC/2021/Tvl, registered for offences under section 7 of the Prevention of Corruption Act, 1988 (as amended).



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For Petitioner : Mr.V.Paarthiban
for Mr.C.Kanagaraju

For Respondent-1: Mr.S.Udayakumar
Government Advocate (Crl. Side)

ORDER

The petitioner/accused facing trial in C.C.No.25 of 2025 before the learned Principal District Judge, Tiruvallur filed this quash petition.

2.(i) The case against the petitioner is that the petitioner formerly employed as Record Clerk, in the office of Executive Officer, Thirumazhisai Town Panchayat, Tiruvallur from 01.03.2019 to 16.03.2021, a public servant. The second respondent/defacto complainant lodged a complaint alleging that the petitioner demanded Rs.10,000/- on 15.03.2021 in his office to issue Plot regularisation planning permission, from the Executive Officer, Thirumazhisai and also to give regularised planning permit and blue print received from CMDA Office, Chennai and instructed the defacto complainant to come and meet the petitioner on 17.03.2021 at about 1.00 p.m. along with bribe amount. The defacto complainant not willing to pay the bribe amount, preferred a complaint to the respondent on 17.03.2021 at about 8.00 hours.



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(ii) The Trap Laying Officer (TLO) arranged for Government witnesses for the trap, thereafter pre-trap proceedings conducted and explained to the defacto complainant and to the Government witnesses. On completion of pre-trap proceedings, the trap team along with defacto complainant and accompanying witnesses and defacto complainant's friend Narayanasamy all reached the petitioner's office at about noon. Thereafter the defacto complainant along with his friend and accompanying witnesses entered the office of the petitioner and on seeing the defacto complainant the petitioner again demanded and confirmed whether he brought the bribe amount. The defacto complainant took the tainted money of Rs.10,000/- from his shirt pocket and handed over to the petitioner. The petitioner received the same in his right hand kept the amount in the almirah to his left side. Thereafter, on getting pre-arranged signal, the trap team entered the office, defacto complainant identified the petitioner and on enquiry accompanying witnesses confirmed the demand and acceptance of bribe money. Thereafter, TLO enquired the petitioner for the trap money. The petitioner took the trap money from the almirah and handed over the same to the witnesses. Phenolphthalein test conducted and hand wash turned pink. Thereafter, trap proceedings recorded in the recovery mahazar. Phenolphthalein test confirmed the petitioner receiving bribe amount. On collection of connected



files and documents, recording statement of witnesses and on getting forensic report and after completion of investigation, sanction order obtained. Now charge sheet filed in this case listing witnesses LW1 to LW15 and documents LD1 to LD28. The trial Court finding *prima-facie* materials against the petitioner, took the case on file and issued summons to the petitioner.

3.The learned counsel for the petitioner submitted that in this case, the defacto complainant authorised his friend Narayanasamy to follow up with the Town Panchayat to collect the planning permit and necessary orders, since defacto complainant was required to travel abroad in connection with other works. It was Narayanasamy, friend of defacto complainant, who was following with the petitioner. In this case, the said Narayanasamy projected as witness present at the time of trap. In his statement, there is nothing to show any demand made by the petitioner. The defacto complainant is an interested witness and the accompanying official witness is also an interested witness. TLO is particular in success of the trap what may be the reason. Hence, all witnesses are inherited witnesses and projected as though petitioner demanded and received bribe amount. In the sanction order in page 3 at the penultimate paragraph, the statement of sanctioning authority, namely, one G.Sathish, Executive Officer, Thirumazhisai Town Panchayat records “I have carefully



applied my mind and gone through the documents by verifying records and witnesses statements and got cleared doubts with the investigating officer in connection with the allegations and thereafter satisfied and accorded sanction". Referring to the statement of the sanctioning authority the learned counsel submitted that the sanctioning authority in his statement confirms, discussed with investigating officer got satisfied and thereafter issued sanction order. Hence, sanction order influenced by the investigating officer and it is not a sanction accorded, issued applying his independent mind. Hence, the sanction order is vitiated. On this score alone the case to be quashed.

4.He further submitted that in this case the admitted position of the prosecution is that the petitioner received trap amount in his right hand and kept it in the almirah to his left side. Phenolphthalein test confirms hand wash in both left and right hand proved positive. The petitioner handling the amount using both hand, nowhere spoken by any of the witnesses. In such circumstances, serious doubt caused, the manner in which trap projected against the petitioner. Added to it, Narayanasamy, friend of defacto complainant not stated anything about demand. Hence the trap proceedings tainted with malafide.



5.The learned Government Advocate on the other hand strongly opposed the contention of the petitioner and submitted that in the sanction order it is mentioned that sanctioning authority independently applied his mind, verified and gone through the materials such as copy of the complaint, F.I.R., entrustment mahazar, recovery mahazar, statement of witnesses and statement of accused officer Venkatesan along with connected documents, cleared doubts with Inspector of Police, V & AC and after carefully applying his mind accorded sanction for prosecution. The sanction order is clear that some doubt arose which was clarified and cleared. It is quite natural, which would show that sanctioning authority applied his mind. With regard to the statement of the sanctioning authority though it is recorded that by verifying the town panchayat record and studied the witnesses statement and discussed with investigating officer, the usage of the word is now interpreted differently. The word 'discuss' implies clarification of doubts, which is permissible. The said word blown out of proportion and the petitioner is attempting to make a mountain out of a molehill by claiming non application of mind, which is not proper.

6.He further submitted that the defacto complainant applied for regularisation and approval, as early as on 27.07.2018 and thereafter he was following it regularly and he authorised his friend Narayanasamy to follow up.



On 08.02.2021, the petitioner demanded bribe amount and also informed that the papers are not available and directed the defacto complainant to submit one set of entire papers. It was done and thereafter on 15.03.2021, approval received from the CMDA, but the petitioner withheld this approval and informed that though the Executive Officer passed the order, the order to be typed and proceedings to be issued only by the petitioner and demanded bribe amount, on 15.03.2021. Initially, the demand made for Rs.15,000/- and thereafter reduced to Rs.10,000/-. The defacto complainant not willing to pay the bribe amount, hence, on 17.03.2021 complaint lodged at 8.00 a.m., pre-trap proceedings conducted with independent witnesses. Thereafter trap proceedings conducted, petitioner caught red handed when demanding and receiving the bribe money. The statement of witnesses confirms demand, acceptance and recovery of bribe amount from the petitioner. The bribe amount produced from the almirah of the petitioner. Further the files seized from the petitioner's almirah confirmed that approval was given as early as on 05.03.2021 and the petitioner withheld the order for demand of bribe amount and not typed the proceedings. The contention of the petitioner are factual in nature. As regards the application of mind, the sanctioning authority more than one terms had clearly recorded in the sanction order as well as in the statement that he independently applied his mind and thereafter accorded sanction. A small discrepancies raised and grounds



raised by the petitioner are factual which can be decided only during trial and not in this quash petition.

7.Considering the submissions made and on perusal of the material, it is seen that the points raised by the petitioner are factual in nature. There is some variance in usage of the word in the sanction order which says that sanctioning authority carefully applying his mind and going through the documents and verifying with the statement of witnesses got cleared his doubts. In his statement, it was further recorded that sanctioning authority discussed with the investigating officer. This discussion is nothing but a clarification. The petitioner gives his own interpretation, which the petitioner can very well get clarified when the witnesses are examined in this case. With regard to the receipt of bribe amount and handling the same using both hands, the same confirmed by the statement of decoy as well as accompanying witnesses. The points raised by the petitioner are his defence, which can be considered only during trial and not in a quash petition. In view of the above, this Court is not inclined to entertain this petition.

8.Hence, the Criminal Original Petition stands dismissed. It is made clear that the observations made herein are only to the limited purpose in deciding the



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above petition. The petitioner is at liberty to raise all points during trial. The trial Court to independently consider the case and dispose of the same on its own merits, uninfluenced by the observations made herein.

11-02-2026

Index: Yes/No

Speaking / Non-speaking order

Neutral citation : Yes/No

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To

- 1.The Principal District Judge,
Tiruvallur.
- 2.The Chief Judicial Magistrate cum
Special Judge for PC Act Cases,
Thiruvallur.
- 3.The Inspector of Police,
Vigilance and Anti Corruption,
Kancheepuram in Charge of Thiruvallur Detachment.
- 4.The Public Prosecutor
High Court, Madras.



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M. NIRMAL KUMAR, J.

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