



Crl.O.P.(MD)No.3541 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 10.03.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.3541 of 2026
Crl.MP(MD) Nos.3821 & 3824 of 2026

Anbalagan

... Petitioner

Vs

1.State of Tamil Nadu,
Rep by its Inspector of Police,
Vigilance and Anti-Corruption Police Station,
Tirunelveli District.
Crime No.6/2022.

2.V.Mahalakshmi

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to call for the records pertaining to the proceedings in Spl.CC No.12 of 2023, on the file of the Special Court for exclusive trial of Prevention of Corruption Act cases, Tirunelveli and to quash the same.

For Petitioner	: Mrs.P.Jessi Jeeva Priya
For R1	: Mr.T.Senthil Kumar Additional Public Prosecutor
For R2	: No appearance

ORDER

The Petitioner/accused in Spl.CC No.12 of 2023 on the file of the Special Court for Exclusive trial of Prevention of Corruption Act



Crl.O.P.(MD)No.3541 of 2026

cases, Tirunelveli has filed this Criminal Original Petition to quash the above proceedings pending as against him.

2.The respondent police has filed a final report as against this petitioner for the offence punishable under section 7(a) of Prevention of Corruption Act, (as amended in Act 16 of 2018) that this petitioner has demanded and received a sum of Rs.6,000/- from the de-facto complainant one Mahalakshmi, for discharge of his official duty. The petitioner is a Firka Surveyor working at Thisayanvilai Taluk office, Tirunelveli District. One Mahalakshmi, a resident of Palayamkottai has purchased a property to an extent of four cents in Survey No.637, by way of a registered document in the month of September 2020 and applied for subdivision and Patta.The petitioner/ the Firka Surveyor said to have demanded a sum of Rs.6,000/- from the defacto complainant. On the complaint of the defacto complainant, a trap was arranged and he was arrested when he received the amount from the defacto complainant. A case in Crime No.6 of 2022 has been registered as against this petitioner by the Vigilance and Anti Corruption on 24.06.2022.



Crl.O.P.(MD)No.3541 of 2026

3.The learned counsel appearing for the petitioner submits that there is no demand from this petitioner and this petitioner has recommended the sub division and patta for the defacto complainant on 22.06.2022. The learned counsel, by relying upon the the statement of the Taluk Surveyor submits that the Taluk Surveyor has also stated that this petitioner has completed his work by forwarding the application along with the subdivision to the Taluk Survey officer and in turn, the Taluk Survey Officer has forwarded the same to the Tahsildar. According to the learned counsel, the Tahsildar has uploaded the patta on 22.06.2022, whereas, the case of the prosecution is that there was a demand on 22.06.2022 and on 23.06.2022 and consequently the defacto complainant said to have parted with the cover containing a sum of Rs.6,000/- and this petitioner has received that amount. According to the learned counsel, there was a Jamabandi on the date of occurrence on 23.06.2022 and this petitioner was very much available in the office at Jamabandi. While so, there is no necessity for this petitioner to receive the amount in the office and that apart the other officers, who are working along with this petitioner have also supported the case of the petitioner that he was sitting in the office on that particular day. Even assuming that this petitioner has received a cover in Jamabandi, people



Cr.L.O.P.(MD)No.3541 of 2026

used to submit covers and therefore, the same has been projected as if that this petitioner has received the amount. Therefore, according to the learned Counsel, there is no iota of material as against this petitioner for demand of money and also there is no receipt of money. Therefore, the final report needs to be quashed.

3.1.The learned counsel for the petitioner has also relied on the judgment of the Honourable Supreme Court, in ***Krishan Chander vs. State of Delhi***, reported in ***2016 (1) MWN (Cr.) 255 (SC)*** and the judgment of the Honourable Supreme Court in ***B.Jayaraj Vs. State of Andhra Pradesh***, reported in ***2014(2) MWN (Cr.) 376 (SC)*** and submits that when there is no demand, mere receipt of money would not constitute an offence under the Prevention of Corruption Act.

4.The learned Additional Public Prosecutor appearing for the respondent submits that it is a clear case of trap. The petitioner, who is working as a Firka Surveyor at Thisayanvilai Taluk, Tirunelveli Taluk has received a sum of Rs.6,000/- from the defacto complainant, namely, Mahalakshmi on 24.06.2022 in backside of the Village Administrative Office, Thisayanvilai. According to the learned Additional Public



CrI.O.P.(MD)No.3541 of 2026

Prosecutor, the defacto complainant has applied for grant of Patta for the land purchased by her in the year 2021 and the same was processed only on 15.06.2022. The petitioner though said to have processed the application on 15.06.2022 has called the defacto complainant on 22.06.2022 at about 8.45 hours and has demanded a sum of Rs.6,000/-. He also contacted the defacto complainant overphone on 23.06.2022 and made a demand. Therefore, the defacto complainant has lodged a complaint before the Inspector of Police, Vigilance and Anti-Corruption Department on 24.06.2022, based on which, the Inspector of Police has arranged for a trap, made a request to the Agricultural Department and also to the HR & CE Department, to provide two officers to stand as shadow witnesses. Accordingly, one officer in each Department have been referred and they went along with the defacto complainant to the Village Administrative office on 24.06.2022. The accused officer has taken the defacto complainant along with the shadow witnesses to the backside of the Village administrative office and received the amount nearby a dumping Yard. The petitioner has also taken out the money from the cover, counted it and kept in his pant pocket. The phenolphthalein test conducted by the investigation agency revealed the presence of phenolphthalein in both the hands of this petitioner and also



Crl.O.P.(MD)No.3541 of 2026

in his pant pocket, which has been recovered in the presence of the shadow witnesses LW 3 and 4. The investigation officer has also recorded the statements from LW 3 and LW 4 and they have clearly stated that this petitioner has taken the defacto complainant to the backside of the Village Administrative Office and has received the amount nearby a dumping yard. He further submits that the petitioner has called the defecto complainant on 22.06.2022 overphone and the call details have been collected by the investigation agency with the certification under section 65-B of the Indian Evidence Act. Therefore, according to the learned Additional Public Prosecutor, a clear case is made out as against this petitioner and it is not a fit case for quash. The learned Additional Public Prosecutor has also relied on a judgment of the Honourable Supreme Court in ***Naresh Aneja Alias Kumar Aneja Vs.State of Uttar Pradesh and another***, reported in ***(2025) 2 Supreme Court Cases 604*** and submits that while deciding the application for quashing the proceedings, this Court is not expected to conduct a mini trial.

5.This Court considered the rival submissions made and also perused the materials placed on record.



WEB COPY

6.The petitioner is a Firka Surveyor of Thisayanvilai Taluk.

The de-facto complainant has applied for sub division and for issuance of patta for her piece of land in Survey No.637 in the year 2021. The petitioner said to have processed the said application on 15.06.2022. Thereafter, this petitioner appeared to have called the de-facto complainant on 22.06.2022, demanding a sum of Rs.6,000/- and therefore, a complaint was lodged on 24.06.2022 by the de-facto complainant at about 7:00 a.m, based on which, a trap has been arranged. The shadow witnesses from the Agricultural Department and HR & CE Department have accompanied the de-facto complainant on 24.06.2022 in the trap, which was arranged at about 12.05 noon. The petitioner said to have received the cover on the backside of the Village Administrative Office near a dumping yard. This has been stated by the independent witnesses / shadow witnesses in their statements. Their statements also disclose that the petitioner said to have received the money, counted the same and has kept in his packet. The petitioner's pant was recovered and a phenolphthalein test was conducted. The Mahazar witnesses LW3 and LW4 have also stated that both the petitioner's hands and the pant pocket turned into pink. The prosecution claims that the petitioner has called the



CrI.O.P.(MD)No.3541 of 2026

defacto complainant on 22.06.2026 over phone and the purpose of the call can be established only during the trial. Therefore, there are enough materials to substantiate the receipt of money by the petitioner. The stand of the petitioner that there was no demand of money by him can be established only during the trial. Therefore, this is not a fit case for quashing the charge sheet.

7. In view of the foregoing reasons and discussions, this Criminal Original Petition is dismissed. At this juncture, the learned counsel for the petitioner submits that the witnesses are in abroad and they have not turned up before the trial Court and therefore, the trial is pending for examination of PW1 for a long time. Considering this submission, the trial court is directed to conclude the trial as expeditiously as possible, preferably within a period of one year from the date of receipt of a copy of this order. Consequently, connected Miscellaneous petitions are closed.

10.03.2026

NCC : Yes/No
Index : Yes/No
Internet:Yes
vrn



Crl.O.P.(MD)No.3541 of 2026

WEB COPY To

- 1.The Special Court for exclusive trial of Prevention of Corruption Act cases, Tirunelveli.
- 2.The Inspector of Police,
Vigilance and Anti-Corruption Police Station,
Tirunelveli District.
Crime No.6/2022.



WEB COPY



Crl.O.P.(MD)No.3541 of 2026

B.PUGALENDHI,J

vrn

Order made in
Crl.O.P.(MD)No.3541 of 2026
Crl.MP(MD) Nos.3821 & 3824 of 2026

10.03.2026