



CrI.OP(MD)No.19957 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 27.02.2026

PRONOUNCED ON : 01.06.2026

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CrI.O.P.(MD).No.19957 of 2025

and

CrI.M.P.(MD)No.16809 of 2025

Bharathi @ Manivanna Bharathi

... Petitioner/Accused No.2

Vs.

1. The State of Tamilnadu,
Rep. by, the Deputy Superintendent of Police,
CB CID - OCU Police Station,
Tiruchirappallai district.
(Crime no. 1 of 2021).

2. Tamil Maran ... Respondent / Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records and quash the charge sheet in STC No.2019/2025 on the file of the learned Judicial Magistrate No.VI, Tiruchirappalli, Tiruchirappalli District, in so far as the petitioner is concerned.



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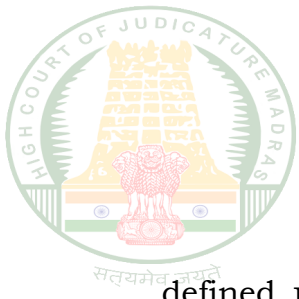
For Petitioner : Mr.R.Ilayaraja
For R-1 : Mr.M.Sakthi Kumar,
Government Advocate (Crl. side)

ORDER

The present Criminal Original Petition has been filed invoking the inherent jurisdiction of this Court to quash the proceedings in S.T.C.No.2019 of 2025, pending on the file of the learned Judicial Magistrate No.VI, Tiruchirappalli, insofar as the petitioner, who is arrayed as A-2, is concerned.

2. The prosecution has been launched for the alleged commission of an offence punishable under Section 171(E) of the Indian Penal Code, corresponding to the offence of electoral bribery under the new penal framework, wherever applicable. The gravamen of the prosecution is that the petitioner, being an office-bearer of a political party, had allegedly mobilised money for bribing police personnel/voters during the election period.

3. The core question which falls for consideration is whether the materials collected by the prosecution, even if taken at their face value, disclose the essential ingredients of electoral bribery as



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defined under Section 171(B) IPC, so as to sustain a prosecution under Section 171(E) IPC against the petitioner.

Case of the Prosecution:

4. The prosecution case, in brief, is that during the relevant election period, information was received by the authorities that money was being distributed to influence voters in Tiruchirappalli City.

5. Pursuant thereto, a Flying Squad was constituted by the higher authorities. It is alleged that, on search being conducted in certain police stations, money was seized. The prosecution version is that the petitioner/A-2, being an office-bearer of a political Party, had mobilised money and had decided to pay a sum of Rs.2,000/- each to police constables in Tiruchirappalli City.

6. It is further alleged that, in respect of Government Hospital Police Station, particulars were collected through A-1/Balaji and a sum of Rs.46,000/- was allegedly paid for 23 persons on 24.03.2021, with an intention to secure votes in favour of the petitioner's political



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party. It is also alleged that, in respect of Thillai Nagar Police Station, a sum of Rs.24,000/- was paid to 12 persons attached to the said police station.

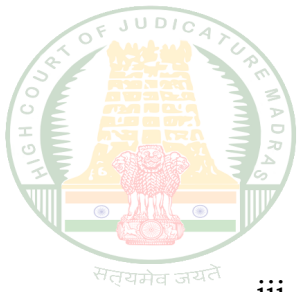
7. On the basis of the above allegations and the alleged seizure, the first respondent filed a final report. The learned Judicial Magistrate No.VI, Tiruchirappalli, took cognizance of the same in S.T.C.No.2019 of 2025 against A-1 and the present petitioner/A-2.

Grounds for quash:

8. The petitioner seeks quashment of the proceedings principally on the following grounds:

i. The allegations in the final report, even if accepted in toto, do not disclose the essential ingredients of the offence under Section 171(E) IPC.

ii. Section 171(E) IPC is only the penal provision. To attract the same, the prosecution must first establish the foundational ingredients of bribery as defined under Section 171(B) IPC.



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iii. There is no material to show that the petitioner gave, offered, promised or induced any gratification to any voter for exercising or refraining from exercising any electoral right.

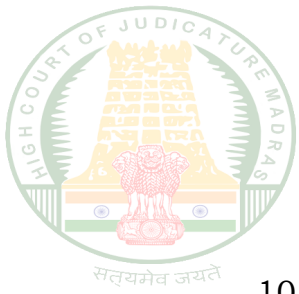
iv. The alleged payment to police personnel, even assuming it to be true, is not linked with the exercise of any electoral right.

v. The prosecution mainly rests upon the statement/confession of the co-accused, which is inadmissible and insufficient to fasten criminal liability upon the petitioner.

vi. Mere seizure of money, without a legally demonstrable electoral nexus, cannot constitute the offence of bribery under Section 171(B) IPC.

Submissions on either side:

9. The learned counsel for the petitioner submitted that the petitioner has been mechanically arrayed as A-2 only on the basis of vague allegations and the alleged confession of the co-accused. It was contended that, in order to constitute the offence of bribery under Section 171(B) IPC, the prosecution must show that gratification was given or offered to a person with the object of inducing him to exercise an electoral right in a particular manner.

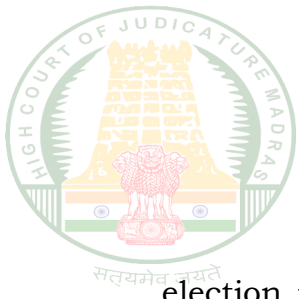


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10. The learned counsel further submitted that the final report does not disclose the identity of any voter who was allegedly bribed by the petitioner. There is no statement from any voter that the petitioner paid, offered or promised money to secure his vote. There is no material to show that any police personnel to whom money was allegedly paid was induced to exercise his franchise in favour of any particular candidate or political party.

11. It was therefore argued that, in the absence of a direct nexus between the alleged payment and the exercise of electoral right, the prosecution under Section 171(E) IPC is legally unsustainable. The learned counsel also submitted that the alleged confession of A-1 cannot be used as substantive evidence against the petitioner and, in the absence of independent incriminating material, the continuation of proceedings would amount to an abuse of process of Court.

12. The learned Government Advocate (Criminal Side), appearing for the first respondent, submitted that the final report discloses that money was mobilised and distributed during the



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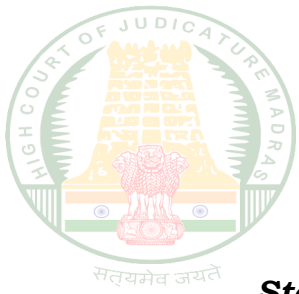
election period. It was further submitted that the seizure of money from the police station and the statements recorded during investigation *prima facie* disclose the involvement of the petitioner.

13. According to the prosecution, the truth or otherwise of the allegations can be tested only during trial and the petitioner cannot seek quashment at the threshold.

14. Heard the learned counsels on either side and carefully perused the materials available on record.

Point for Consideration:

15. The point that arises for consideration is whether the final report in S.T.C.No.2019 of 2025 discloses the essential ingredients of the offence punishable under Section 171(E) IPC against the petitioner/A-2, and whether the continuation of the criminal proceedings against him would amount to an abuse of process of law?



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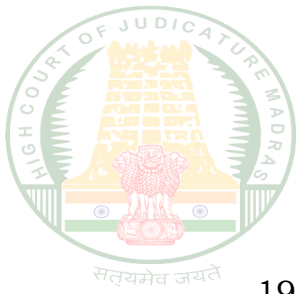
Statutory Position:

16. Section 171(B) IPC defines bribery in the context of elections. The essence of the provision is the giving, offering or accepting of gratification as a motive or reward for exercising any electoral right.

17. Section 171(E) IPC is the penal provision which provides punishment for bribery. Therefore, unless the act complained of first satisfies the definition of bribery under Section 171(B) IPC, prosecution under Section 171(E) IPC cannot be sustained.

18. The following ingredients are necessary:

- i. There must be giving, offering or promising of gratification;
- ii. Such gratification must be connected with the exercise of an electoral right;
- iii. There must be inducement or reward for voting or refraining from voting, or for exercising the electoral right in a particular manner;
- iv. The nexus between the gratification and the electoral right must be clear and legally discernible.



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19. Thus, every seizure of money during an election period cannot automatically ripen into an offence under Section 171(E) IPC. The prosecution must show that the money was used, offered or intended to be used as gratification to influence an elector in the exercise of his electoral right.

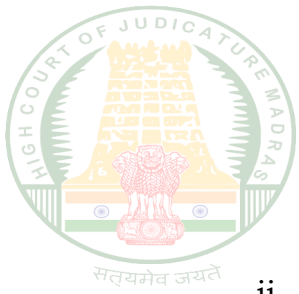
Analysis:

20. In the present case, the allegation against the petitioner is that he had mobilised funds and had allegedly decided to pay Rs. 2,000/- each to police constables in Tiruchirappalli City. The further allegation is that certain amounts were paid in two police stations.

21. Even assuming the prosecution case to be true, the final report does not contain any specific material to show that the alleged payment was made to any elector as a motive or reward for exercising his electoral right.

22. The final report does not disclose:

i. the name of any voter who was allegedly bribed by the petitioner;



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ii. the statement of any voter that money was offered by the petitioner;

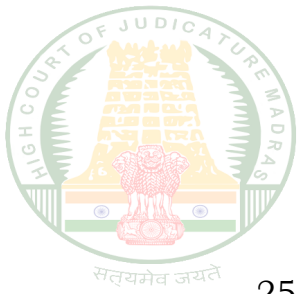
iii. the specific candidate or party in whose favour the recipient was induced to vote;

iv. any material showing that the alleged police personnel were approached as voters;

v. any legally admissible material showing that the petitioner personally gave, offered or promised gratification.

23. The prosecution appears to have proceeded on the assumption that the seizure of money during the election period, by itself, is sufficient to attract Section 171(E) IPC. Such an approach is legally impermissible.

24. Section 171(E) IPC cannot be read in isolation. It derives its content from Section 171(B) IPC. Therefore, the prosecution must first establish facts constituting “bribery” as statutorily defined. Suspicion, however strong, cannot substitute the statutory ingredients of the offence.



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25. The alleged payment to police personnel, even if accepted for the sake of argument, does not automatically satisfy the requirement of electoral bribery unless the prosecution shows that such payment was made as gratification for voting, refraining from voting, or exercising electoral franchise in a particular manner.

26. The final report is conspicuously silent on this crucial aspect. There is no legally sustainable material to show that the alleged amount was distributed to induce the exercise of electoral right. The bridge between the alleged money and the alleged electoral inducement is completely missing.

27. The prosecution further appears to rely substantially on the statement or confession of the co-accused. It is well settled that the confession of a co-accused is not substantive evidence against another accused. In the absence of independent material connecting the petitioner with the alleged offence, such a statement cannot form the sole foundation for prosecution. The inherent power of this Court is not to be exercised as a matter of routine. However, where the allegations, even if accepted in their entirety, do not constitute the



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offence alleged, this Court would be failing in its duty if it permits a criminal prosecution to continue.

28. The criminal law cannot be set in motion on vague allegations bereft of statutory ingredients. Electoral offences are serious in nature; but seriousness of the subject cannot dilute the requirement that the prosecution must satisfy the essential ingredients of the penal provision invoked. In the present case, the final report does not disclose the foundational requirements of Section 171(B) IPC. Consequently, the prosecution under Section 171(E) IPC against the petitioner is unsustainable.

29. This Court is therefore of the considered view that the continuation of the proceedings in S.T.C.No.2019 of 2025 against the petitioner/A-2 would amount to an abuse of process of Court.

Epilogue:

30. Elections are the lifeblood of constitutional democracy. Any attempt to pollute the electoral stream by bribery must be dealt with sternly. At the same time, criminal prosecution must rest upon



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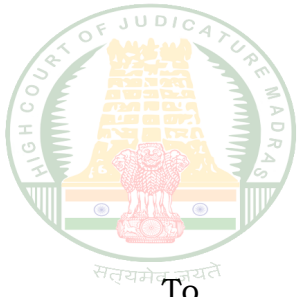
legally cognizable allegations and admissible material. The majesty of criminal law lies not merely in punishing the guilty, but equally in protecting a citizen from being made to undergo the ordeal of trial when the very ingredients of the alleged offence are absent.

31. In the case on hand, the prosecution has failed to disclose the essential statutory nexus between the alleged money and the exercise of electoral right. In such circumstances, permitting the prosecution to continue against the petitioner would serve no legitimate purpose.

32. In the result, this Criminal Original Petition is **allowed**. The proceedings in S.T.C.No.2019 of 2025, on the file of the learned Judicial Magistrate No.VI, Tiruchirappalli, Tiruchirappalli District, are hereby quashed insofar as the petitioner/A-2 alone is concerned. Consequently, the connected miscellaneous petition is closed.

01.06.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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To

- 1.The Judicial Magistrate No.VI,
Tiruchirappalli.
- 2.The Deputy Superintendent of Police,
CB CID - ocu police station,
Tiruchirappallai district.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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