



Crl.OP(MD)No.5049 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

Crl.O.P.(MD).No.5049 of 2025

and

Crl.M.P.(MD)Nos.3670 and 3671 of 2025

Anand

... Petitioner/Accused

Vs.

The State of Tamilnadu,
Rep by. the Inspector of Police,
District Crime Branch,
Madurai.
Crime No.23/2022.

.... Respondents / Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records connected with the case in C.C.No. 601 of 2025 pending on the file of the learned Judicial Magistrate I, Madurai and quash the same as illegal as against the petitioner.

For Petitioners : Mr A.Prabhu Raj

For Respondent : Mr.M.Sakthi Kumar,
Government Advocate (Crl. side)



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ORDER

The present Criminal Original Petition projects a deeply disturbing narrative touching the integrity of the law-enforcement machinery itself. The allegations are not directed against an ordinary citizen, but against a police officer who, according to the prosecution, was entrusted with the solemn duty of combating serious crimes and tracing offenders. The accusation, in essence, is that the guardian of law himself became the manipulator of criminal process, the custodian of seized properties transformed into their clandestine possessor, and the protector of justice allegedly converted into its violator.

2. Simultaneously, the petitioner projects an equally serious allegation of institutional victimisation, contending that he has been selectively implicated upon fabricated narratives woven through contradictions, hearsay statements, procedural irregularities and belated allegations unsupported by legally admissible material.

3. Thus, this Court is called upon to examine whether the present prosecution deserves to be interdicted at the threshold in



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exercise of inherent jurisdiction under Section 528 BNSS corresponding to Section 482 Cr.P.C., or whether the allegations disclose a *prima facie* case warranting a full-fledged trial.

4. This Court heard the elaborate submissions advanced on either side and meticulously perused the entire materials placed before it including the FIR, final report, sanction proceedings, witness statements, typed set of papers and written arguments.

Case of the prosecution:

5. The prosecution case, in brief, is that the petitioner, while serving as Sub-Inspector of Police attached to the Serious Crime Squad, Madurai District, functioned as head of a special police team engaged in tracing absconding offenders and recovering properties connected with criminal cases.

6. According to the prosecution, during the course of investigation in Kallikudi Police Station Crime No.202 of 2021 relating to counterfeit currency offences, substantial quantities of counterfeit currency notes and allied materials were seized from



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accused persons. However, the petitioner allegedly failed to hand over the entirety of such seized properties to the Investigating Officer and instead clandestinely retained a portion thereof. It is further alleged that the petitioner had unauthorisedly occupied a dilapidated old Sub-Inspector quarters situated behind Thirumangalam Town Police Station and had been exclusively using the said premises for more than two years.

7. The prosecution would further state that acting upon secret information and superior instructions, a special search team headed by one Mr.A.Babu Prashanth, Deputy Superintendent of Police, conducted a raid on 23.05.2022 in the said premises and allegedly recovered: (i) Counterfeit currency notes amounting to Rs. 1,45,50,000/-;(ii)Large quantities of paper bundles cut to the size of currency notes;(iii)Old newspaper bundles;(iv)Certain genuine currency notes allegedly intended to facilitate circulation of counterfeit notes.

8. The prosecution further alleges that the petitioner admitted during enquiry that the seized materials pertained to properties



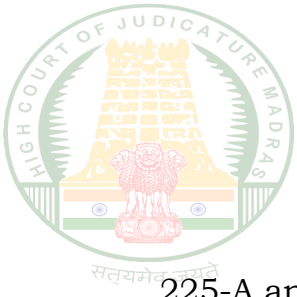
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connected with Kallikudi Police Station Crime No.202 of 2021. Apart from the counterfeit currency episode, the prosecution further alleges that during investigation relating to Kallikudi Police Station Crime No.1535 of 2020, the petitioner illegally detained one Punniyamoorthy, demanded and received Rs.25,00,000/- from his wife for securing his release and thereafter misappropriated substantial portions of the said amount while only partially accounting for certain sums through police records.

9. The prosecution also relies upon:(i)Statements of witnesses including police personnel; (ii) Statements of private witnesses including the wife and daughter of Punniyamoorthy;(iii)Alleged suspicious bank transactions;(iv)Recovery proceedings;(v)Forensic Science Laboratory report confirming counterfeit nature of currency notes;(vi)Sanction proceedings under Section 197 Cr.P.C./Section 218 BNSS.

10. Based on the above allegations, the respondent police filed final report for offences under Sections 409, 420, 489-C, 448, 406,



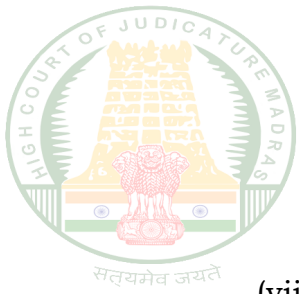
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225-A and 346 IPC in C.C.No.601 of 2025 before the learned Judicial
Magistrate No.I, Madurai.

Grounds for quash:

11. The petitioner seeks quashment primarily on the following grounds:

- (i) The entire prosecution is fabricated and maliciously instituted;
- (ii) The petitioner was not the Investigating Officer in Crime Nos.202 of 2021 and 1535 of 2020;
- (iii) The FIR and 161(3) statements contain glaring contradictions regarding the actual officers who conducted vehicle checks and seizure proceedings;
- (iv) No legally valid seizure mahazar was prepared during the alleged raid in the dilapidated quarters;
- (v) The quarters allegedly belonged to the police department and were not under the exclusive possession of the petitioner;
- (vi) The FIR was registered after an unexplained delay of nearly six months;



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(vii) The alleged confession attributed to the petitioner is neither recorded nor annexed to the charge sheet;

(viii) Material witnesses including certain Investigating Officers were not cited as prosecution witnesses;

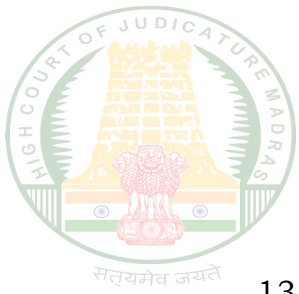
(ix) The alleged bank deposits represented customary monetary gifts received during the ear-piercing ceremony of the petitioner's daughter;

(x) Ingredients of Sections 409, 489-C, 225-A and 346 IPC are not attracted;

(xi) The prosecution is vitiated for want of valid sanction.

Arguments on either side:

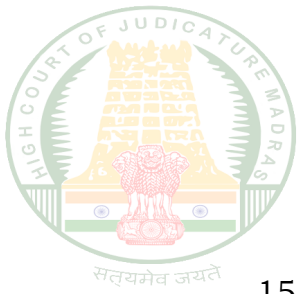
12. The learned counsel appearing for the petitioner would vehemently contend that the prosecution case is inherently improbable and self-destructive. According to the learned counsel, the foundational allegation in Crime No.202 of 2021 itself establishes that the vehicle interception, seizure of counterfeit currency and preparation of mahazars were all carried out by Inspector of Police Tmt. Radha Mahesh and her station personnel and not by the petitioner.



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13. The learned counsel would draw the attention of this Court to the FIR narration and the recovery mahazar in Crime No.202 of 2021 and submit that the subsequent 161(3) statements attempting to attribute the seizure to the petitioner constitute glaring improvements and contradictions rendering the entire prosecution wholly unreliable. It is further argued that the alleged search conducted on 23.05.2022 was itself legally suspect inasmuch as officers from Sivakasi Sub-Division allegedly conducted a raid beyond their territorial jurisdiction without producing any written authorisation.

14. The learned counsel would further submit that the alleged recovery from the old police quarters is unsupported by any contemporaneous seizure mahazar, videographic evidence or lawful search proceedings. The learned counsel also contended that the prosecution itself admits that the quarters belonged to the police department and were under control of superior authorities and therefore mere recovery from such premises cannot automatically establish conscious possession by the petitioner so as to attract Section 489-C IPC.



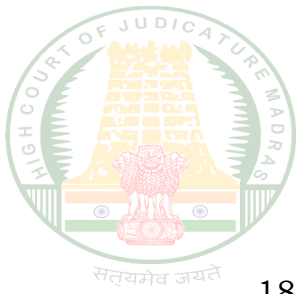
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15. With regard to Crime No.1535 of 2020, it is contended that the petitioner had absolutely no official role and that all recoveries and confessional statements were officially attributed to other police officers including SI Manickam and SI Ramar. The learned counsel would submit that the prosecution is attempting to rewrite official police records retrospectively through oral statements.

16. It is further argued that the allegations relating to wrongful confinement and illegal gratification are entirely unsupported by legally admissible contemporaneous records. The learned counsel would also submit that the six months delay in registration of FIR completely destroys the credibility of the prosecution version.

17. Reliance was also placed upon the principles laid down in ***State of Haryana v. Bhajan Lal***¹ to contend that the present prosecution squarely falls within the category of malicious and abuse-of-process proceedings warranting quashment.

¹ 1992 Supp(1) SCC 335

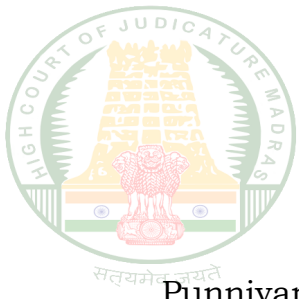


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18. Per contra, the learned Government Advocate (Crl. side) would strongly oppose the petition. According to the prosecution, the petitioner functioned as head of a special team and deliberately avoided filing special reports while causing local station officers to formally record recoveries as though conducted by them.

19. It is contended that the contradictions highlighted by the petitioner are matters relating to evidentiary appreciation and cannot constitute grounds for quashing criminal proceedings at the threshold. The learned Government Advocate would submit that the search team recovered enormous quantities of counterfeit currency from premises exclusively used by the petitioner and such recovery stands scientifically corroborated through forensic examination.

20. It is further contended that multiple police officers as well as independent witnesses have spoken about the petitioner's exclusive occupation of the premises and his involvement in the seizure and concealment of counterfeit notes. The prosecution would further submit that statements of the wife and daughter of



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Punniyamoorthy specifically implicate the petitioner in receipt of Rs. 25 lakhs for securing unlawful release.

21. The learned Government Advocate would also submit that the suspicious opening of a fresh bank account and subsequent cash transactions probabalise the prosecution allegations. According to the prosecution, all the contentions raised by the petitioner constitute disputed questions of fact requiring trial and cross-examination and cannot be adjudicated in proceedings under Section 528 BNSS. The learned Government Advocate therefore prayed for dismissal of the petition.

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

Point for consideration:

23. The principal point that arises for consideration is whether the materials collected by the prosecution *prima facie* disclose the commission of cognizable offences warranting continuation of criminal proceedings, or whether the prosecution is so inherently



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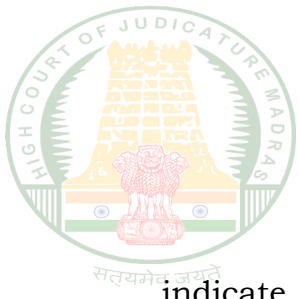
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absurd, malicious or legally untenable as to justify quashing under
Section 528 BNSS?

Analysis:

24. The inherent jurisdiction of this Court under Section 528 BNSS is extraordinary in nature and must be exercised sparingly, cautiously and only in rarest cases where continuation of prosecution would amount to abuse of process of law. At the stage of quashment, this Court is not expected to conduct a mini-trial or meticulously appreciate disputed factual issues. If the materials collected during investigation *prima facie* disclose ingredients of offences, the criminal prosecution ordinarily should not be interdicted.

25. Undoubtedly, the petitioner has succeeded in demonstrating certain inconsistencies between the FIR in Crime No. 202 of 2021 and subsequent witness statements. The FIR attributes the vehicle check and seizure proceedings to Inspector Radha Mahesh and station personnel, whereas certain later statements



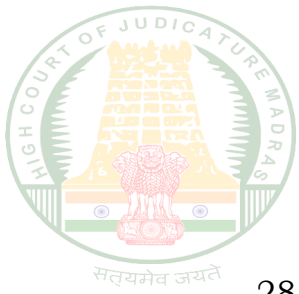
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indicate that the operational role was actually performed by the petitioner and his special team.

26. However, the prosecution explanation is that the petitioner, being head of a district special team, habitually caused station officers to formally record recoveries as though made by them. Whether such explanation is truthful or fabricated cannot be conclusively determined in a petition under Section 528 BNSS. Contradictions, embellishments and improvements ordinarily constitute matters for appreciation during trial.

27. The prosecution alleges recovery of counterfeit currency worth Rs.1,45,50,000/- from quarters allegedly under the petitioner's exclusive use. The petitioner disputes exclusive possession and points out that the building belonged to the police department. However, the prosecution relies upon statements of multiple police officers asserting that the premises were exclusively used by the petitioner and his team for more than two years.



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28. The Forensic Science Laboratory report confirming counterfeit nature of the notes further strengthens the prosecution case at the *prima facie* stage. The question whether the petitioner had conscious possession and requisite knowledge under Section 489-C IPC is fundamentally a matter for trial.

29. The prosecution theory is that the petitioner unofficially handled recoveries in connected criminal cases and diverted portions thereof for personal gain. The petitioner relies heavily upon official recovery records prepared by other police officers. However, the prosecution specifically alleges that such official records were themselves engineered by the petitioner through unofficial operational control exercised by him.

30. Statements of witnesses including police personnel and private witnesses are relied upon to substantiate such allegations. Whether such allegations are ultimately proved is a matter of evidence. At this juncture, this Court cannot record a definitive finding that the allegations are inherently impossible.



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31. The FIR admittedly came to be registered after considerable delay. Nevertheless, the prosecution explanation is that initial enquiry, internal verification and collection of departmental information preceded registration. Mere delay in registration of FIR, by itself, cannot automatically annihilate the prosecution particularly when allegations involve police misconduct and internal enquiries.

32. The petitioner attacked the legality of the search on the ground of lack of territorial jurisdiction and absence of written authorisation. However, the prosecution has specifically stated that superior officers directed officers from another district to conduct enquiry in order to avoid local influence and institutional shielding. Whether procedural irregularities occurred during the search is again a matter for evidence and cannot presently demolish the prosecution in toto.

33. The prosecution relies upon witness statements to allege illegal detention and release of accused persons upon receipt of money. The petitioner disputes the same entirely. The ingredients of



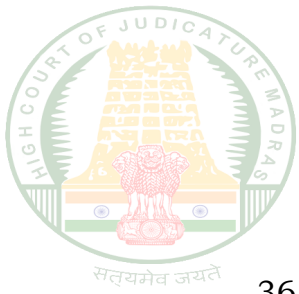
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Sections 346 and 225-A IPC cannot presently be held absent on the face of the record. The witness statements, if accepted during trial, are capable of attracting such offences.

34. The records reveal that sanction for prosecution has already been accorded by the competent authority through proceedings dated 12.02.2025 after consideration of materials collected during investigation. Thus, the contention regarding total absence of sanction is factually unsustainable. Whether the sanction order ultimately withstands judicial scrutiny is a matter to be tested before the trial Court.

35. Though the petitioner invoked the celebrated principles in ***State of Haryana v. Bhajan Lal***², this Court is unable to conclude that the present case falls within the exceptional categories warranting quashment. The allegations are grave in nature. The prosecution has collected witness statements, forensic materials, documentary evidence and financial transaction details.

² 1992 Supp(1) SCC 335

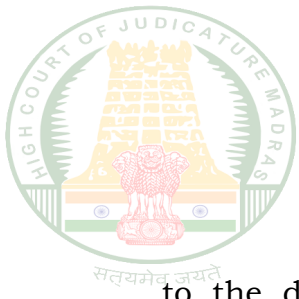


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36. The defence projected by the petitioner raises substantial disputed factual issues which cannot be conclusively adjudicated in inherent jurisdiction proceedings. Allegations against police officers occupy a peculiar constitutional space. A police officer is not merely a government servant. He represents the visible arm of the State. When allegations emerge that the machinery intended to suppress crime itself became a participant in criminality, the judicial response cannot be one of premature interdiction unless the prosecution is demonstrably absurd or legally impossible.

37. Simultaneously, courts must remain vigilant against motivated prosecution targeting police officers who may have fallen victim to institutional rivalries. Yet, the balancing exercise cannot culminate in judicial burial of a prosecution which discloses *prima facie* material requiring evidentiary adjudication.

38. The contradictions highlighted by the petitioner may indeed constitute valuable ammunition during trial. The petitioner is undoubtedly entitled to rigorously cross-examine prosecution witnesses and expose inconsistencies. However, those aspects belong



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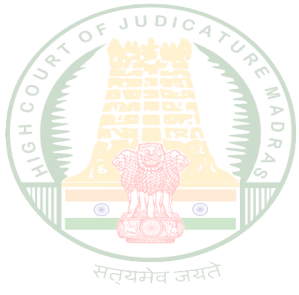
to the domain of trial and not to the narrow jurisdiction under Section 528 BNSS. This Court therefore finds that the materials collected by the prosecution disclose *prima facie* commission of cognizable offences requiring full-fledged adjudication before the competent criminal Court.

39. In fine, this Criminal Original Petition stands **dismissed**. Consequently, connected miscellaneous petitions are closed. However, considering the nature of service of the petitioner and the submissions made, the learned Judicial Magistrate No.I, Madurai, shall consider any application for dispensation of personal appearance on its own merits and in accordance with law.

40. It is made clear that all observations made in this order are purely for the purpose of deciding the present quash petition and shall not influence the trial Court while independently appreciating the evidence during trial.

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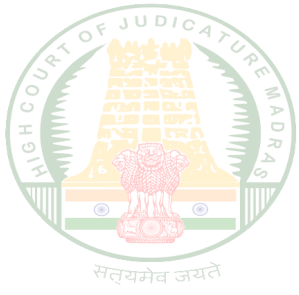


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To

- 1.The Judicial Magistrate I,
Madurai.
- 2.The Inspector of Police,
District Crime Branch,
Madurai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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