

Crl.OP(MD)No.19949 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.19949 of 2025

and

Crl.M.P.(MD)Nos.16797 and 16798 of 2025

Bharathi @ Manivanna Bharathi

... Petitioner/Accused No.2

Vs.

1. The State of Tamilnadu

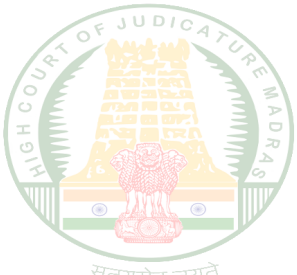
Rep. by, the Deputy Superintendent of Police,
CB CID - OCU police station,
Tiruchirappalli, Tiruchirapalli district.
Crime no. 1 of 2021.

....1st Respondent /
Complainant

2. Tamil Maran

.... 2nd Respondent /
Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records and quash the Charge Sheet in S.T.C.No.2018 of 2025 on the file of the learned Judicial Magistrate



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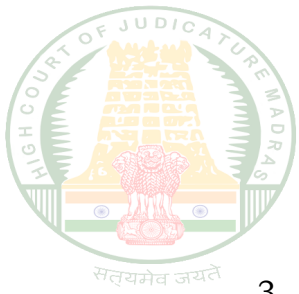
No.VI, Tiruchirappalli, Tiruchirappalli District, in so far as the
petitioner is concerned.

For Petitioner : Mr.R.Ilayaraja
For R-1 : Mr.S.Ravi,
Additional Public Prosecutor

ORDER

The present Criminal Original Petition projects before this Court a delicate yet significant question touching the contours of electoral offences, the evidentiary sanctity of confessional statements, the permissible scope of multiple final reports arising out of a singular First Information Report, and the statutory limitation governing prosecutions under Chapter IX-A of the Indian Penal Code.

2. The petitioner, who is an Advocate by profession and an office bearer of a political party, seeks invocation of the inherent jurisdiction of this Court under Section 528 BNSS to quash the proceedings in S.T.C.No.2018 of 2025 pending on the file of the learned Judicial Magistrate No.VI, Tiruchirappalli.



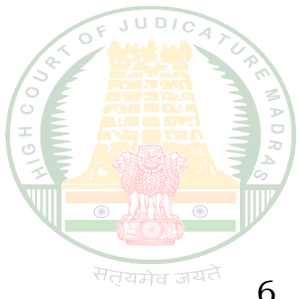
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3. The gravamen of the accusation against the petitioner is that during the 2021 Assembly Election campaign, he allegedly mobilized funds and paid gratification to police personnel attached to Tiruchirappalli City Police with an intention connected to electoral processes, thereby attracting the offence under Section 171-E IPC.

4. The petitioner would contend that the entire prosecution rests solely upon the confession of a co-accused, bereft of any independent corroborative material, and that even the allegations accepted in toto would not satisfy the ingredients of “bribery” as contemplated under Sections 171-B and 171-E IPC.

Case of the prosecution:

5. The prosecution case, as unfolded in the final report, is that during the Tamil Nadu Legislative Assembly Elections of the year 2021, credible information was received by the higher police authorities that money was being distributed to various persons in Tiruchirappalli City for electoral purposes. Pursuant thereto, Flying Squads and special inspection teams were constituted by the Commissioner of Police, Tiruchirappalli City.



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6. On 27.03.2021, inspections were conducted in different police stations within Tiruchirappalli City limits, including Thillai Nagar Police Station and Government Hospital Police Station. During the inspection at Thillai Nagar Police Station, an amount of Rs. 24,000/- was allegedly recovered from A-1, who was then serving as a police writer/Special Sub-Inspector attached to the said police station.

7. According to the prosecution, upon enquiry, A-1 confessed that the said amount had been handed over by the petitioner herein along with certain other Advocates belonging to a political party. The prosecution would further allege that the petitioner, being an office bearer of a political party, had mobilized funds and decided to pay Rs.2,000/- each to police personnel attached to Tiruchirappalli City Police.

8. It is further alleged that on 24.03.2021, the petitioner had paid a sum of Rs.24,000/- to A-1 towards distribution to twelve police personnel. On the strength of the said seizure and the confession attributed to A-1, the respondent police registered the



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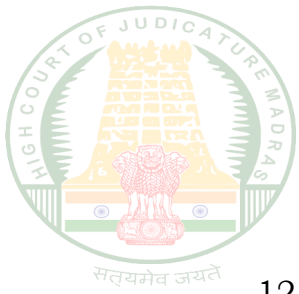
case and ultimately laid a final report against A-1 and the petitioner/A-2 for offences under Section 171-E IPC and allied provisions.

Grounds for quash:

9. Assailing the prosecution, the petitioner has raised multiple grounds seeking quashment of the proceedings.

10. The principal contention of the petitioner is that the allegations in the charge sheet, even if accepted at face value, do not attract the ingredients of Section 171-E IPC. It is contended that Section 171-E IPC merely prescribes punishment, whereas the substantive ingredients are embedded in Section 171-B IPC dealing with “bribery”.

11. According to the petitioner, in order to constitute the offence of bribery under Section 171-B IPC, the prosecution must necessarily establish that gratification was given or offered to a person for exercising an electoral right or for having exercised such right.

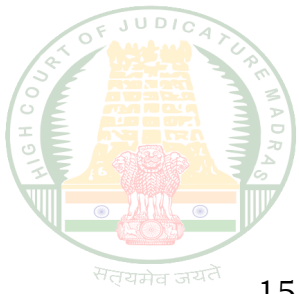


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12. The petitioner would submit that the alleged payment, even according to the prosecution, was made to police personnel and not to voters or electors. It is further contended that there is absolutely no allegation that any voter was induced or attempted to be induced to exercise electoral franchise in a particular manner.

13. The petitioner would further submit that the entire prosecution rests solely upon the alleged confession of A-1, which is inadmissible in evidence insofar as the petitioner is concerned. The petitioner would also contend that there is no recovery from him, no witness speaking about any payment by him, no call detail records, no bank transactions, no electronic evidence, and no independent material linking him with the seized amount.

14. It is further contended that the petitioner, being an Advocate and an office bearer of a political party, was actively engaged in election-related activities and was frequently visiting police stations for obtaining permissions and coordinating campaign-related matters and that the same has been converted into a criminal accusation.



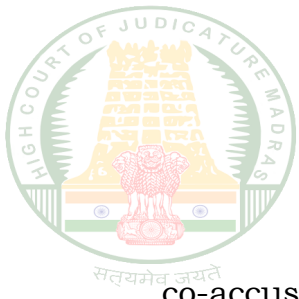
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15. The petitioner has also raised the issue of limitation by contending that the alleged occurrence is of March 2021, whereas the final report has been laid after nearly five years, though the offence under Section 171-E IPC is punishable only with imprisonment up to one year. The petitioner has additionally questioned the legality of laying two separate final reports arising out of a single FIR.

Arguments on either side:

16. The learned counsel appearing for the petitioner reiterated that the petitioner has been falsely implicated solely due to his political affiliation and election-related activities. The learned counsel submitted that the seizure was admittedly effected from A-1 on 27.03.2021, whereas the alleged payment is said to have been made on 24.03.2021, thereby creating serious doubt regarding the prosecution story itself.

17. It was argued that except the confession of A-1, there is no legally admissible evidence connecting the petitioner with the alleged offence. The learned counsel further submitted that a confession of a



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co-accused cannot by itself form the basis for prosecution in the absence of independent corroboration.

18. It was further argued that the ingredients of Section 171-B IPC are conspicuously absent and therefore prosecution under Section 171-E IPC is legally unsustainable. The learned counsel also assailed the prosecution on the ground that though there was one FIR, two separate final reports had been filed in relation to two police stations. It was finally submitted that continuation of the prosecution would amount to abuse of process of law warranting interference under Section 528 BNSS.

19. Per contra, the learned Additional Public Prosecutor submitted that the allegations disclose a serious electoral offence involving police personnel during the election period. The learned Additional Public Prosecutor submitted that the confession of A-1 clearly implicates the petitioner. It was contended that the petitioner was an active office bearer of a political party and was directly involved in election campaign activities. The learned Additional Public Prosecutor further submitted that the question whether the



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petitioner actually handed over the money or whether the confession is admissible are all matters to be decided during trial.

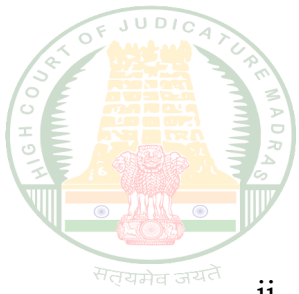
20. With respect to limitation, the learned Additional Public Prosecutor submitted that the prosecution had already obtained extension of time for taking cognizance and therefore the proceedings are maintainable. The learned Additional Public Prosecutor also submitted that though the FIR was common, the occurrences related to two distinct police stations and therefore separate final reports were justified.

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

Points for consideration:

22. In the light of the rival submissions, the following points arise for consideration:-

i. Whether the allegations in the final report satisfy the ingredients of Sections 171-B and 171-E IPC?



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ii. Whether the prosecution against the petitioner is based solely upon the confession of a co-accused?

iii. Whether the filing of separate final reports arising from one FIR vitiates the prosecution?

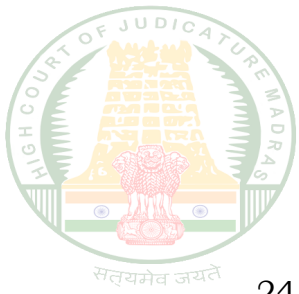
iv. Whether the proceedings are barred by limitation?

v. Whether the present case warrants exercise of inherent jurisdiction under Section 528 BNSS?

Analysis:

23. The inherent jurisdiction of this Court under Section 528 BNSS, corresponding to Section 482 Cr.P.C., is intended to prevent abuse of process of Court and secure the ends of justice. The principles governing quashment have been authoritatively laid down in ***State of Haryana v. Bhajan Lal***¹, wherein the Hon'ble Supreme Court catalogued categories of cases where interference would be justified. One such category is where the allegations, even if accepted in entirety, do not constitute the offence alleged.

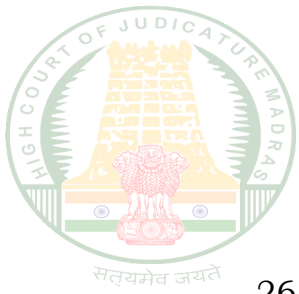
¹ 1992 Supp(1) SCC 335



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24. Section 171-E IPC is merely the penal provision prescribing punishment for bribery. The substantive offence is defined under Section 171-B IPC. A careful reading of Section 171-B IPC reveals that bribery is attracted only when gratification is given or accepted for exercising electoral rights or influencing electoral franchise. Therefore, there must exist a direct nexus between the gratification and the exercise of electoral right.

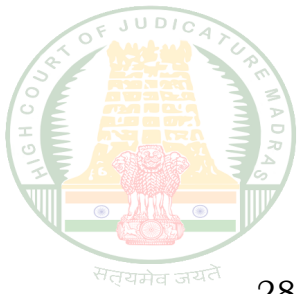
25. In the present case, even according to the prosecution, the alleged recipients were police personnel and not electors. The prosecution materials do not disclose that any voter was bribed or induced. Equally absent is any allegation that the police personnel themselves were being induced in exercise of any electoral right. Mere allegation of payment of money during election period, without demonstrating linkage to electoral franchise, cannot automatically attract Section 171-B IPC. Criminal statutes must receive strict construction and ingredients of the offence cannot be presumed by inference or political atmosphere.



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26. The entire prosecution against the petitioner appears to rest upon the alleged confession of A-1. It is trite law that confession of a co-accused is not substantive evidence. In the absence of independent corroboration, a co-accused confession cannot by itself sustain prosecution. The records placed before this Court do not disclose any recovery from the petitioner. No independent witness has spoken about payment by the petitioner. No documentary, electronic or circumstantial evidence has been produced to connect the petitioner with the seized amount. Thus, continuation of prosecution solely on the basis of the alleged confession would be legally precarious.

27. The contention regarding two final reports arising out of one FIR also merits consideration. Though the prosecution would contend that the recoveries relate to different police stations, the FIR appears to stem from a singular transaction involving alleged distribution of money during election period. Ordinarily, multiplicity of final reports arising out of one FIR must satisfy the test of distinctness of occurrence and separability of transactions.



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28. However, in the present case, this Court refrains from rendering any conclusive finding on that aspect in view of the primary conclusion already reached regarding absence of ingredients of the offence itself.

29. The offence under Section 171-E IPC is punishable with imprisonment extending up to one year. *Prima facie*, the plea of limitation raised by the petitioner deserves consideration. Though the prosecution claims that extension for taking cognizance had been obtained, the records relating thereto have not been elaborately placed before this Court. Nevertheless, in view of the finding that the ingredients of the offence are themselves absent, this Court does not propose to delve deeper into the issue of limitation.

Epilogue:

30. Criminal law cannot be permitted to become a weapon for roping in individuals merely on account of political association, unless the foundational ingredients of the offence stand demonstrably satisfied. Elections undoubtedly constitute the lifeblood of democracy and electoral purity must be zealously protected. Equally, however, criminal prosecution cannot survive on



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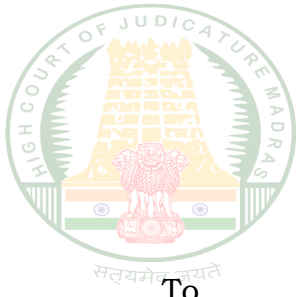
suspicion, political overtones or uncorroborated confessional statements.

31. The criminal justice system rests not upon conjecture, but upon legally admissible foundational material capable of disclosing the commission of a cognizable offence. In the considered view of this Court, the allegations in the final report, even if accepted in their entirety, fail to satisfy the ingredients of bribery under Section 171-B IPC and consequently prosecution under Section 171-E IPC against the petitioner cannot be sustained. Continuation of the proceedings against the petitioner would therefore amount to abuse of process of Court.

32. Accordingly, this Criminal Original Petition stands **allowed**. The proceedings in S.T.C.No.2018 of 2025 on the file of the learned Judicial Magistrate No.VI, Tiruchirappalli, Tiruchirappalli District, are hereby quashed insofar as the petitioner/A-2 is concerned. Consequently, connected miscellaneous petitions are closed.

01.06.2026

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