Voters too can file private criminal complaints over a candidate's false election affidavit – Supreme Court

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News

On 16 Oct 2026 the Supreme Court held that any private person, including a voter, can file a criminal complaint before a magistrate under Section 125A of the Representation of the People Act 1951 against a candidate who gives false information or conceals information in the nomination affidavit (Rajkumar Madki v. Dr Shailendra Beldale). The Bench of Justices Dipankar Datta (author) and Sheel Nagu rejected the Karnataka High Court's view that only the Election Commission or a public servant could complain, holding that Section 125A is outside Section 195(1) CrPC. A 2020 ECI press note does not bind courts. On facts (an address allegation against a Bidar, Karnataka MLA), the quashing of the complaint was upheld on other grounds.

Key facts

Case	Rajkumar Madki v. Dr Shailendra Beldale – Crl. Appeal 3387 of 2026
Judgment	16 Oct 2026
Bench	Justices Dipankar Datta & Sheel Nagu
Section 125A	False/concealed info – up to 6 months' jail, fine or both (inserted 2002)

Key point	Sec 195(1) CrPC bar does not apply; magistrates can weed out frivolous complaints
Appeal from	Karnataka HC (7 Mar 2025) – Bidar MLA case

Background

- RP Act 1951: Section 33A – duty to disclose information including criminal antecedents; Section 125A – penalty for false information (both added in 2002). Candidates declare assets, liabilities, education and criminal cases in the 'Form 26' affidavit.
- Landmark rulings: Union of India v. ADR (2002) and PUCL v. Union of India (2003) – a voter's right to know a candidate's background is part of Article 19(1)(a). PUCL (2013) – NOTA. Lily Thomas (2013) – Section 8(4) of the RP Act struck down.
- Election disputes: an election result is challenged by an 'election petition' in the High Court (RPA Sections 80, 81 – within 45 days); Article 329(b). Superintendence, direction and control of elections – Election Commission of India (Article 324).

Tamil Nadu link: the 2026 Tamil Nadu Assembly election (234 seats) was held in a single phase on 23 Apr 2026, with counting on 4 May. Every candidate filed a Form 26 affidavit – under this ruling, any voter can move a magistrate if such an affidavit is false.

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