



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 03.07.2015

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THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

WEB COPY

Criminal Original Petition (MD)No.17068 of 2014

C.Kipson

... Petitioner

Vs.

1.The Secretary to Government
Education Department,
Secretariat, Chennai.

2.The Director of School Education,
College Road,
Chennai.

3.The Director of Vigilance and Anticorruption
NCB 21 to 28 P.S.Kumarasamy Raja Salai
(Greenways road) Raja Annamalaipuram
Chennai.

4.The Deputy Superintendent of Police,
Vigilance and Anticorruption Department
Tirunelveli.

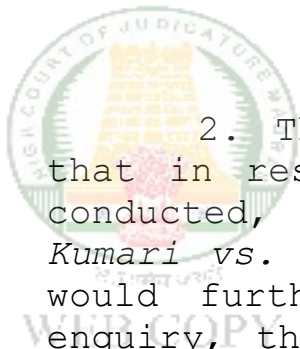
... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 3rd respondent to register a case on the complaint of the petitioner dated 23.07.2014 and to investigate the matter and to submit the final report within a time frame as fixed by this Court.

For Petitioner : Mr.S.Arivalagan
For Respondent 1 to 4 : Mr.C.Mayilvahana Rajendran
Addl. Public Prosecutor

ORDER

The petitioner has come up with this petition seeking a direction to the 4th respondent to register a case on his complaint dated 23.07.2014, wherein he has made certain allegations against one Mariappan, Sudalaimani, Padmavathhi, John Stephen, Mala and Balamurugan, who are all public servants.



2. The learned Additional Public Prosecutor would submit that in respect of these allegations, a preliminary enquiry is conducted, as directed by the Hon'ble Supreme Court in *Lalita Kumari vs. Govt. of U.P. & Others* (2013 (4) Crimes 243 (SC)). He would further submit that based on the outcome of the said enquiry, the respondents will decide about the future course of action. The said statement is recorded.

3. In my view, if the preliminary enquiry reveals commission of offence by any of the public servants, then, it will be incumbent upon the respondents to register a case and investigate. If for any reason, the preliminary enquiry reveals that no offence appears to have been committed by any of the public servants, then, the fourth respondent shall not register any case.

4. With the above clarification, the criminal original petition is dismissed as infructuous.

Sd

ASST REGISTRAR (AS)

TRUE COPY

SUB ASST REGISTRAR

RR

To

1. The Secretary to Government
Education Department, Secretariat, Chennai.
2. The Director of School Education,
College Road, Chennai.
3. The Director of Vigilance and Anticorruption
NCB 21 to 28 P.S. Kumarasamy Raja Salai
(Greenways road) Raja Annamalaipuram, Chennai.
4. The Deputy Superintendent of Police,
Vigilance and Anticorruption Department, Tirunelveli.
5. The Additional Public Prosecutor,
Madurai bench of Madras High Court, Madurai.

1CC TO MR. T. GUNASELAN MUTHIAH ADV SR: 36322

DM 15 JULY 2015 - 2P 7C

Order made in Criminal Original Petition (MD) No. 17068 of 2014
<https://hcservices.ecourts.gov.in/hcservices/>

03.07.2015