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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.06.2015

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

CRL.OP.(MD)No.5076 of 2015

K.Jegadeesh : Petitioner

Vs.

1.The Additional Chief Secretary,
Environment and Forests Department,
State of Tamil Nadu, Fort.St.George,
Chennai.

2.The Principal Secretary cum Chairman,
Tamil Nadu Pollution Control Board,
No.76, Mount Road, Guindy, Chennai.

3.A.Thangapandian,
Joint Chief Environmental Engineer,
Tamil Nadu Pollution Control Board,
Madurai. : Respondents

PRAYER: Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the second respondent to grant sanction to prosecute the third respondent for an offence under Section 7 and 13(1)(e) of the Prevention of Corruption Act, 1988 and Section 177 of the Indian Penal Code pursuant to the representation dated 01.08.2013.

For Petitioner : Mr.S.Krishnamoorthy

For Respondent No.1 : Mr.C.Mayil Vahana Rajendran
Additional Public Prosecutor

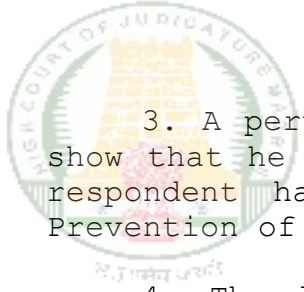
For Respondent No.2 : Mr.Rita Chandrasekar

For Respondent No.3 : Mr.S.Raveekumar

O R D E R

The petitioner has come up with the present Criminal Original Petition seeking a direction to the second respondent to grant sanction for prosecuting the third respondent for the offence under Sections 7 and 13(1)(e) of the Prevention of Corruption Act, 1988 and Section 177 of the Indian Penal Code. The said representation was made on 01.08.2013. Since no sanction order has been granted, the petitioner has come up with this petition.

2. I have heard the learned counsel for the petitioner, the learned Additional Public Prosecutor for the first respondent, the learned counsel for the second respondent, the learned counsel for the third respondent and perused the records carefully.



3. A perusal of the representation given by the petitioner would go to show that he has filed certain documents and he has alleged that the third respondent has committed misconduct in terms of the provisions of the Prevention of Corruption Act, 1988.

4. The learned counsel for the third respondent would bring to the notice of this Court the proceedings No.227/2015/TNPCB/MU, dated 09.01.2015, issued by the Director of Vigilance and Anti Corruption, wherein it has been reported that the complaint made by the petitioner does not make out any offence warranting even enquiry. The learned counsel for the third respondent would submit that the petitioner is the brother-in-law of the third respondent and there is no love-lost between them. It is only to wreak vengeance, the petitioner has come up with the present Criminal Original Petition, the learned counsel contended.

5. I have considered the above submissions. Granting of sanction for prosecution is not a mechanical order, as it involves the application of mind of the sanctioning authority. Here, in this case, even the Director of Vigilance and Anti Corruption has reported that no offence appears to have been made out warranting enquiry. It appears that the petitioner, who is not in talking terms with the third respondent, who is none other than his brother-in-law, has come to this Court only to settle the personal score. There appears to be no public interest.

6. Having regard to all the above, it is not possible for this Court to issue any direction as prayed for by the petitioner. Hence, this Criminal Original Petition is dismissed.

SD

ASST REGISTRAR - CO

TRUE COPY

SUB ASST REGISTRAR

NB

To

1.The Additional Chief Secretary,
Environment and Forests Department,
State of Tamil Nadu, Fort.St.George,
Chennai.

2.The Principal Secretary cum Chairman,
Tamil Nadu Pollution Control Board,
No.76, Mount Road, Guindy, Chennai.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

1CC TO MR. S.RAVIKUMAR, ADV SR: 34254

1CC TO MR. KRISHNAMURTHY ADV SR: 34313

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