

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 27.07.2016

Date of verdict :03.08.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Crl.O.P.No.2854 of 2016

V.Archana

... Petitioner

Vs

The Director of Vigilance and
Anti Corruption (DVAC),
NCB 21-28, P.s.Kumarasamy Raja Salai,
(Greenways Road),
Raja Annamalaipuram, Chennai-28. ... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent to register a FIR against the police officer Munusamy, under Section 15 of Prevention of Corruption Act, 1988 read with Sections 120-B, 218 and 219 I.P.C., based on the complaint dated 30.12.2015 given by the petitioner complainant.

For Petitioner : Mr.S.S.Madhavan

For respondent : Mr.P.Govindarajan,
Addl. Public Prosecutor.

ORDER

The present criminal original petition has been filed seeking a direction to the respondent to register a FIR against the police officer Munusamy, under Section 15 of Prevention of Corruption Act, 1988 read with Sections 120-B, 218 and 219 I.P.C., based on the complaint dated 30.12.2015 given by the petitioner.

2. It is the case of the petitioner that she has preferred a complaint before one Munusamy, the Inspector of Police, Law and Order, J.11, Kannagi Nagar Police Station on 23.12.2015 as against her husband with regard to the harassment

given by him. The said Inspector of Police ignored his duty of registering a complaint and advised her to settle the matter out of Court through him. He has also ensured the return of all her jewels and marriage expenses of Rs.20,00,000/- and a reasonable amount from her husband as Kattapanchayat. However, to settle the same, he demanded a sum of Rs.1,00,000/- illegally. The said demand was made in the presence of her father Vinayagamurthy, step mother Jeyanthi, aunty Saveetha, uncle Sembian and her family friend Johin. In view of the said demand made by the said Munusamy, the Inspector of Police, she has preferred a complaint to the Commissioner of Police on 26.12.2015 by speed post and in person on 28.12.2015 narrating the cruelties committed on her by her husband. The Commissioner registered her complaint in C.No.3954/COP/ Visitors/2015 on 30.12.2015. Thereafter, the petitioner made another complaint before the respondent herein against the said Munusamy, the Inspector of Police for demanding a sum of Rs.1,00,000/- as bribe amount. The said complaint was forwarded to the Inspector of Police, All Women Police Station, Guindy. Based on the complaint given by her to the Commissioner of Police, one Vanitha from All Women Police Station, Guindy, called the petitioner over phone and summoned her to attend an enquiry on 2.1.2016 at 10.00 a.m. Thereafter, several enquiries were conducted by the Inspector of Police and Assistant Commissioner of Police, based on the said complaint. Finally, on 6.1.2016, a case was registered for the offence under Sections 498(A) and 506(i) I.P.C. and under Section 67 of I.T. Act. In the FIR, it has been falsely stated that based on the complaint given by her on 23.12.2015, the Inspector of Police, Kannagi Nagar Police Station, issued CSR number on 24.12.2015. But, no such CSR was issued to the petitioner. The complaint dated 30.12.2015 given by her would reveal that the said Munusamy, the Inspector of Police has demanded a sum of Rs.1,00,000/- as bribe. But, the said complaint was not enquired into. Hence, the petitioner has come up with the present petition seeking a direction to the respondent to register a FIR against the police officer Munusamy, the Inspector of Police under Section 15 of Prevention of Corruption Act, 1988 read with Sections 120-B, 218 and 219 I.P.C.

3. A detailed counter affidavit was filed by the respondent, wherein, it has been stated that the petitioner's complaint dated 30.12.2015 addressed to the Director, Vigilance and Anti Corruption was received on 4.1.2016 and the same was scrutinised and found that the substantial part of the allegations were not related to the offence under the Prevention of Corruption Act. Further, the petition did not disclose any specific information of cognizable offence under the Prevention of Corruption Act, 1988. Hence, the petition was forwarded to

the Commissioner of Police, Greater Chennai City vide Petition No.77/2016/POL/CC-HQ dated 14.1.2016 and the Commissioner of Police, Chennai City, in his letter in Rc.No.301/9939/ Crime I (3)/2016, dated 15.2.2016, reported that the Assistant Commissioner, Thuraipakkam Range, has conducted an enquiry into the allegations levelled by the petitioner and found that since the said Munusamy, Inspector of Police, did not register a case based on the complaint given by her, she made the said allegations against the said Munusamy, the Inspector of Police. Further, the enquiry revealed that the said Munusamy, Inspector of Police, conducted an enquiry on the complaint given by the petitioner and arrived at a conclusion that the matter pertains to family dispute between the husband and wife and hence, he forwarded the complaint to All Women Police Station, Guindy and based on the said complaint, a case was registered in W-21, Guindy All Women Police Station Crime No.1/2016 for the offence under Sections 498(A) and 506(i) I.P.C. and under Section 67 of I.T. Act on 6.1.2016 and the same is under investigation. Further, it has been stated that on receipt of the complaint given by the petitioner dated 23.12.2015, CSR number has been assigned as CSR.No.485 of 2015 on 23.12.2015, but, the petitioner refused to accept the CSR receipt. The allegations are motivated in nature. Thus, on the complaint dated 30.12.2015 given by the petitioner, necessary action has been taken by the Commissioner of Police, Chennai City.

4. Keeping the submissions made on either side, I have carefully gone through the entire materials available on record.

5. In the counter affidavit filed by the respondent, it has been clearly stated that the complaint given by the petitioner dated 30.12.2015 addressed to the Director, Vigilance and Anti Corruption was scrutinised and found that the substantial part of the allegations were not related to the offence under the Prevention of Corruption Act. Therefore, the petition was forwarded to the Commissioner of Police, Greater Chennai City, who in turn, directed the Assistant Commissioner, Thuraipakkam Range, to conduct an enquiry on the allegations levelled against the said Munusamy, the Inspector of Police. The enquiry conducted by the Assistant Commissioner, Thuraipakkam Range, revealed that the said Munusamy, Inspector of Police, had already conducted an enquiry on the complaint dated 23.12.2015 given by the petitioner and arrived at a conclusion that the matter pertains to family dispute between the husband and wife. Thereafter, the said Munusamy forwarded the complaint to All Women Police Station, Guindy, on 24.12.2015 and based on the said complaint, a case was registered in W-21, Guindy All Women Police Station Crime No.1 of 2016 for the offence under Sections 498(A) and 506(i) I.P.C. and under Section 67 of I.T. Act on

6.1.2016 and the same is under investigation. In this regard, the Assistant Commissioner, Thuraipakkam Range, has filed a report and the Deputy Commissioner, Adyar Range, has also agreed with the said report in his letter dated 12.2.2016.

6. In view of the said statement made in the counter affidavit, I am of the opinion, on the complaint dated 30.12.2015 given by the petitioner, necessary action was taken by the respondent herein as well as by the Commissioner of Police, Greater Chennai, and therefore, there is no need for this Court to give any specific direction to the respondent in this matter. Hence, the present criminal original petition is dismissed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

sbi

To

1.The Director of Vigilance and
Anti Corruption (DVAC),
NCB 21-28, P.s.Kumarasamy Raja Salai,
(Greenways Road),
Raja Annamalaipuram, Chennai-28.

2.The Public Prosecutor,
High Court, Chennai.

1 cc to Public Prosecutor, sr.43994

1 cc to Mr.S.S.Madhavan, Advocate, sr.43927

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kra 23.08.2016