



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.10.2016

CORAM:

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THE HONOURABLE MR.JUSTICE **B.GOKULDAS**

Crl.O.P.(MD).No.15875 of 2016

M.Periyadurai

.. Petitioner

Vs.

1.The Secretary,
Vigilance Commission,
Fort St. George, Chennai-600 009.

2.The Director,
Department of Vigilance and Anti-Corruption (DVAC)
NCB.21 to 28, P.S.Kumarasamy
Raja Salai, Raja annamalaipuram,
Chennai-600 028.

3. The Deputy Superintendent of Police,
Vigilance and Anti-Corruption
16/53 A/. Masilamani Nagar,
Near Central Jail, Palayamkottai,
Tirunelveli District.

..Respondents

Prayer:- Criminal Original Petition is filed under Section 482 of Criminal Procedure Code for a direction to direct the respondents to register a case on the basis of the complaint lodged by the petitioner with the 3rd respondent Deputy Superintendent of Police, on 14.03.2016 and in the light of the proceedings of the 2nd respondent, Director, Department of Vigilance and Anti Corruption (DVAC), dated 21.04.2016 and investigate the same in accordance with law.

For Petitioner : Mr.T.Cibi Chakraborty
For Respondents : Mr.Kandasamy (Criminal Side),
Government Advocate

Orders Reserved on	20.09.2016
Orders Pronounced on	20.10.2016

ORDER

The criminal original petition is filed for a direction to the respondents to register a case based on the complaint lodged by the petitioner, dated 14.03.2016 in the light of the proceedings of the second respondent, dated 21.04.2016.



2. The case of the petitioner is that he submitted a complaint dated 14.03.2016, requesting the third respondent to conduct a comprehensive enquiry into the willful violations of the Government Order by the Manomaniam Sundaranar University Tirunelveli, in the admission of M.A. (English) and M.Phil (English) during the academic years 2011-12, 2012-13, 2013-14 and 2014-15. In this regard, the second respondent also addressed the first respondent vide proceedings, dated 21.04.2016, for necessary action in respect of the complaint of the petitioner. The grievance of the petitioner is that till now the respondents have not taken any further action pursuant to his complaint. Hence, the petitioner is before this Court for the relief as stated earlier.

3. The learned counsel for the petitioner submitted that already there are two criminal cases are pending against the officials of the above-said University, namely Crime No.6 of 2012, on the file of Vigilance and Anti-Corruption, Tirunelveli, for the offences under Sections 167, 465, 468, 471 and 477 of IPC and Section 13(2) r/w 13(1)(d) of Prevention and Corruption, Act 1988 and Cr.No.950 of 2013 on file of Pettai Police Station, Tirunelveli District. He further submitted that the petitioner's complaint dated 14.03.2016, is in respect of violations of the Government Order by the Manomaniam Sundaranar University Tirunelveli, in the admission of M.A. (English) and M.Phil (English). Till now the respondents have not registered any case on the basis of the complaint of the petitioner, dated 14.03.2016, in spite of the proceedings of the second respondent, dated 21.04.2016.

4. The learned Government Advocate (Criminal Side) submitted that the petitioner is not at all aggrieved in respect of the alleged violations in the admission in the above-said University. Moreover, the complaint of the petitioner is bereft of details and the petitioner is not at all cooperating with the investigation and hence the complaint is pending.

5. I have carefully considered the submissions made by the learned counsel for the petitioner and the learned Government Advocate (Criminal Side).

6. Admittedly, the petitioner lodged a complaint dated 14.03.2016 before the third respondent. Similarly, the second respondent also addressed the first respondent to take action in respect of the complaint of the petitioner, vide proceedings, dated 21.04.2016. Till, now the third respondent neither registered any case nor conducted any enquiry in respect of the said complaint. In such circumstances, this Court is of the view that the third respondent to enquire into the complaint of the petitioner, dated 14.03.2016 and file a final report. Accordingly, the third respondent is directed to enquire into the



complaint of the petitioner dated 14.03.2016 and file a final report as expeditiously as possible, on merits and in accordance with law.

7. In the result, the criminal original petition is allowed.

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Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary,
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Fort St. George, Chennai-600 009.
2. The Director,
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Raja Salai, Raja annamalaipuram,
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3. The Deputy Superintendent of Police,
Vigilance and Anti-Corruption
16/53 A/. Masilamani Nagar,
Near Central Jail, Palayamkottai,
Tirunelveli District.
- 4 The Additional Public Prosecutor,
Madurai Bench Of Madras High Court,
Madurai.

Pre Delivery Order in
Crl.O.P. (MD) .No.15875 of 2016
20.10.2016

SMA/SS-2/16.11.2016:3P/5C