



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 20.06.2016
CORAM

THE HONOURABLE DR. JUSTICE P.DEVADASS

Cr1.O.P. (MD) No.6513 of 2016

WEB COPY

SP.D.Karuppaiah

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Vigilance and Anti Corruption Department,
Near District Collector Office,
Sivagangai,
Sivagangai District.

2.The Inspector of Police,
Vigilance and Anticorruption Department,
Sivagangai District.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C.,
praying to direct the respondent No.2 to register FIR on the basis of
the complaint dated 23.03.2016 preferred by the petitioner in accordance
with law within the stipulated time.

For Petitioner : Mr.R.Alagumani

For respondents : Mr.P.Kandasamy
Government Advocate (Cr1. Side)

O R D E R

Karuppaiah, the petitioner came forward with this petition invoking Section 482 Cr.P.C, praying for a direction to the second respondent, the Inspector of Police, Vigilance and Anti Corruption department, Sivagangai District, to register a criminal case as against one Nirmala and Karaikudi Municipality officials.

2. The said Karuppaiah's younger brother is one Maruthupathi. It is stated that the petitioner owns a piece of land comprised Survey No.563 situate in Karaikudi, Sivagangai District. The said Maruthupathi passed away. Karuppaiah is stated to have succeeded him to the said property. According to him, later, one Nirmala ownership to the said property, based on certain fake house tax receipts.

3. Karuppaiah alleges that the Karaikudi Municipality officials up to bill-collector and also the municipal Standing Counsel have all received a fixed amount from the said Nirmala, for allowing the suit filed by Nirmala against the petitioner Karuppaiah and Karaikudi Municipality to go exparte. When enquired, the Municipality replied that it is not a party to the suit at all. Then, Karuppaiah alleges corruption.

4. The respondents filed counter denying the allegations and also
<https://hccservicesonline.gov.in/hccservices/> ombudsman.



5. Heard both side learned counsels and perused the materials on record.

6. We do not want to go into the questions relating to Ombudsman. We approach this case from another perspective.

7. Invoking the inherent jurisdiction of this Court under Section 482 Cr.P.C, for a direction to register a criminal case, more particularly a criminal case under Prevention of Corruption Act, has to be dealt with very carefully. If there are concrete materials such a direction can be given. But on mere vague and bald allegations, issuing direction under Section 482 Cr.P.C., will result in certain unpleasant consequences to citizens.

8. Actually, Karuppaiah's main enemy is Nirmala. His grievance is Nirmala is owning his late brother's property by producing fake house tax receipts and he also alleges that the said Nirmala managed to get exparte decree.

9. In such circumstances, Karuppaiah should fight against Nirmala and not against the Municipality officials with bald allegations. Even if an exparte decree is passed, when Karuppaiah is the first defendant, he must follow the proper legal remedy available to him under law such as filing of a petition to set aside the exparte decree. For this civil dispute between two parties, Prevention of Corruption Act cannot be invoked based on the vague and bald allegations of the petitioner in his petition.

10. In the circumstances, this Criminal Original Petition is dismissed. However, liberty is given to the petitioner to take further course of action available to him, in accordance with law.

Sd/

Assistant Registrar(P&A)

/TRUE COPY/

Sub Assistant Registrar

To

1.The Deputy Superintendent of Police,
Vigilance and Anti Corruption Department,
Near District Collector Office,
Sivagangai,Sivagangai District.

2.The Government Advocate (Crl. Side),
Madurai Bench of Madras High Court,Madurai.

3.The Inspector of Police,
Vigilance and Anticorruption Department,Sivagangai District.

+1cc to M/S.R.Alagumani, Advocate in SR.No.31852

Crl.O.P. (MD)No.6513 of 2016

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