

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2017

CORAM

THE HON`BLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P.No.8874 of 2017

N. Vadivel

... Petitioner

Vs

The State of Tamil Nadu
Rep. by its Director of Vigilance and Anti-Corruption,
Chennai-600 028. ... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C to direct the respondent not to harass the petitioner and his family members on an alleged enquiry with regard to alleged transactions on which the Government of Tamil Nadu have decided to drop all action by Government order viz., G.O.(2D) No.30, dated 11.12.2015 and issue such further or other orders as this Honourable court dated 11.12.2015.

For Petitioner : Mr.V. Prakash, Senior Advocate
for
M/s.K.Krishnamoorthy

For Respondent : Mr.E.Raja
Additional Public Prosecutor

O R D E R

This petition has been filed to direct the respondent not to harass the petitioner and his family members on an enquiry with regard to the alleged transactions on which the Government of Tamil Nadu have decided to drop all action by Government order viz., G.O.(2D) No.30, dated 11.12.2015.

2. The learned Senior Counsel for the petitioner vehemently contend that based on an anonymous complaint, enquiry was conducted and finally the Government by its order dated

11.12.2015 in G.O.(2D) No. 30, Commercial Taxes and Registration (E1) Department decided to drop all further proceedings in respect of certain allegations levelled against the petitioner. Even after such dropping of the proceedings, it is the contention of the learned Senior Counsel that the Inspector of Police, Vigilance and Anti Corruption has called over the petitioner and his family members under the pretext of enquiry. Hence, required a direction to the respondent not to harass the petitioner and his family members.

3. The learned Additional Public Prosecutor vehemently denying such contentions of the learned Senior Counsel, submitted that the G.O.(2D) No.30 dated 11.12.2015 is passed in respect of certain irregularities alleged against the petitioner. Whereas, as per the directions of the Director of Vigilance and Anti-corruption, preliminary enquiry is conducted as against the petitioner in respect of allegations with regard to disproportionate assets and the above file is pending and the same is no way connected with the G.O.(2D) No.30, dated 11.12.2015 and submitted that there is no harassment by the respondent as alleged by the petitioner and the petitioner is not willing to co-operate with the enquiry.

4. Heard the learned Senior Counsel for the petitioner and the learned Additional Public Prosecutor for the respondent and perused all the materials on record.

5. There is no dispute with regard to the passing of the G.O.(2D) No.30, dated 11.12.2015 by the Government for dropping of further action as against the petitioner. Similarly, proceedings of the Director, Vigilance and Anti-Corruption dated 03.09.2015, when perused shows that the Inspector of Police, Vigilance and Anti-Corruption is directed to register and conduct a detailed enquiry as against the petitioner and there is a direction to submit a final report within a period of six months. Therefore, this Court is of the view that when there is direction by the authority to conduct an enquiry, it is for the Inspector to verify the details and for enquiring such details, calling person for enquiry, against whom the allegations are made, cannot be termed as harassment at all. It is for the petitioner to co-operate with the investigation and to establish his stand. The Investigation authority is at liberty to serve the notice as contemplated under law to summon the person for enquiry and adopt the legal course for conducting enquiry and the petitioner shall co-operate with the investigation.

6. With above directions Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mm/vrc

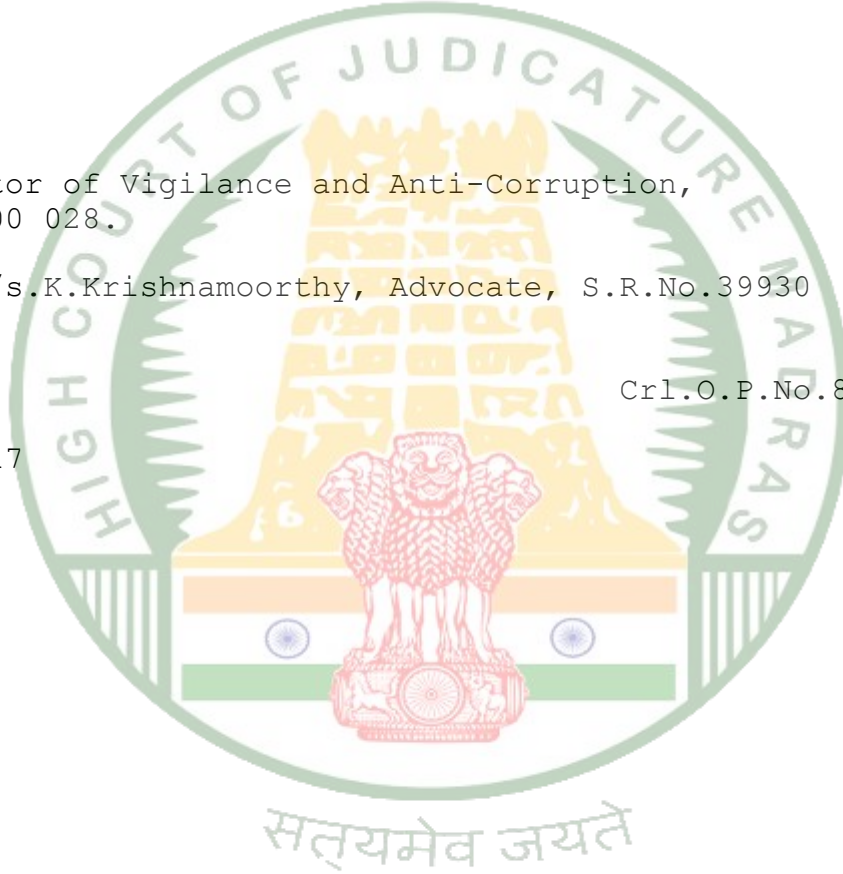
To

The Director of Vigilance and Anti-Corruption,
Chennai-600 028.

+1cc to M/s.K.Krishnamoorthy, Advocate, S.R.No.39930

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