



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.01.2017

(Orders Reserved on 08.11.2016)

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE A.M.BASHEER AHAMED

CrI.O.P(MD)No.21064 of 2016

M.Jamal Mydeen

: Petitioner

Vs.

1.The Deputy Superintendent of Police,
(Vigilance & Anticorruption),
1/165 G, Alagar Kovil Main Road,
Madurai - 625 002.

2.The Inspector of Police,
(Vigilance & Anticorruption),
Alagar Kovil Road,
K.Pudur, Madurai

: Respondents

Prayer: This Petition is filed under Section 482 of Cr.P.C., praying to direct the respondent to register a case on the basis of the petitioner complaint dated 18.10.2016.

For Petitioner : Mr.K.Gokul

For Respondents : Mr.P.Kandasamy
Govt.Advocate (crl.side)

ORDER

This Criminal Original Petition has been filed praying to direct the respondents to register a case, on the basis of the petitioner's complaint, dated 18.10.2016, against (1) Thiru. Raja Murali, Inspector of Police (Law and Order), B-5 Police Station, South Gate, Madurai; (2) Tamilselvan, Sub-Inspector of Police (Law and Order), B-5 Police Station, South Gate, Madurai; (3) Thiru Partha Sarathi of ADMK 67th Ward Secretary and (4) Dhillip Kumar, Gang Leader.

2. The crux of the complaint, dated 18.10.2016 is that <https://hcservices.ecourts.gov.in/hcservices/> Partha Sarathi along with one Thiru. Dhillip Kumar used to sell the illicit arrack by filling it in the Brandy Bottles between 9.30 p.m., and 12.00 p.m., and he informed the above to the said Inspector of Police and Sub-Inspector of Police, B-5 Police Station, South Gate, Madurai. It is further alleged that



even informing the above to the said Police officials, no appropriate action has been taken against the said Partha Sarathi, since they are receiving the bribe of Rs.1000/- and Rs.200/- respectively on daily basis from the said Partha Sarathi.

WEB COPY

3. The learned counsel appearing for the petitioner contends that the attitude of the said Police Officials / accused acted in lethargic manner and without responsibility of their public duty by getting a sum of Rs.1000/- and Rs.200/- respectively from the said Partha Sarathi, who was a notorious rowdy element and except no other option, the petitioner has preferred a complaint before the second respondent Police, in person, but no effective steps have been taken by the respondent Police and hence, once again the petitioner has preferred a complaint before the respondent Police through RPAD, dated 18.10.2016 and even after receiving the same, the respondent police failed to take effective action and hence, the petitioner with no other option has approached this Court under Section 482 of Cr.P.C., directing the respondents to register a case against the accused persons, on the basis of the complaint, dated 18.10.2016, given by the petitioner herein.

4. It is admitted by the respondents that the petitioner sent the complaint, dated 18.10.2016, to the Deputy Superintendent of Police and to the Inspector of Police, Vigilance and Anti Corruption, Madurai, who are respondents herein, which were received by post on 19.10.2016 and both the petitions were forwarded to the Directorate of Vigilance and Anticorruption, Chennai, on the same day, as per Vigilance Manual.

5. The learned Government Advocate (crl.side) appearing for the respondent states that the said petitions were examined at the office of Vigilance and Anticorruption, Chennai and both the petitions were forwarded to the Superintendent of Police, Madurai District, for taking necessary action at their end, as the allegations contained in the petitions were general in nature and did not disclose any specific information of cognizable offence under the Prevention of Corruption Act and it relates to illegal sale of liquor in connivance with Police officials. He has further contended that the petitioner is a History Sheeted Rowdy in H.S.No.9/012 of South Gate Police Station, Madurai City and the petitioner has involved in 10 criminal cases on the records of South Gate. Thideer Nagar and Jaihind Nagar Police Station in Madurai City and Oomachikulam Police Station in Madurai District and the petitioner had already filed a petition in CrI.O.P(MD) No.10518 of 2008 with a prayer to direct the respondent to register a case against Thiru Raja Murali, Inspector of Police and Constable of South Gate Police Station, on the basis of the complaint, dated 18.06.2016 and is pending before this Court.



6. Records produced by both sides are perused. Rival submissions made by either side is also taken into consideration.

7. The records produced by the respondents reveals the fact that earlier complaint, dated 15.07.2016 of the petitioner received on 18.07.2016 by the Directorate of DVAC, Chennai, containing the same allegations mentioned in the present complaint was sent to the Commissioner of Police, Madurai City for necessary action, since the allegations in the said complaint do not disclose any specific information of cognizable offence under the Prevention of Corruption Act and also the complaint relates to illegal sale of liquor in connivance with the Police officials.

8. The Petitioner has also sent the complaint, dated 15.07.2016, to the Home Secretary, Chennai, for necessary action. In turn, the said complaint was forwarded to the Additional Director General of Police, Enforcement, Chennai, by the Government, for necessary action. Enquiry was conducted by the Additional Deputy Commissioner of Police, Prohibition Enforcement Wing, Madurai City on 24.09.2016 and 17.10.2016 respectively by enquiring the accused persons and the complainant and a report was submitted by the Commissioner of Police to the Additional Director General of Police, Enforcement, Office of Director General of Police, Chennai stating that the allegations made in the complaint are not true and the said complaint is motivated one due to the political motive between the complainant and the accused Parthasarathi, who is ADMK Secretary of 67th Ward and further action is not necessary upon the said complaint. It is further stated in the said report, dated 28.10.2016 that the petitioner / complainant is a History Sheeted Rowdy in H.S.No.9/012 of South Gate Police Station, Madurai City and the complainant is having 10 criminal cases in different police stations at Madurai District. As per the complaint, dated 15.07.2016, the petitioner / complainant was the District Secretary for Minority Wing in AIADMK and at present, he is the District Secretary for Minority Wing in BJP.

9. The petitioner has admitted that he is a politician. The allegation made in the complaint, dated 15.07.2016 and in the present complaint, dated 18.11.2016 are one and the same. Petitioner is a History Sheeted Rowdy in H.S.No.9/012 of South Gate Police Station, Madurai City and he has involved in several crimes registered in 10 criminal cases by different police stations at Madurai District. Hence, the petitioner has not approached this Court with clean hands. There is no sufficient and proper materials to invoke the powers vested in this Court under Section 482 of Cr.P.C. The antecedents of the petitioner are not good. This Court also finds that the petitioner has no bona fide reasons for preferring the present complaint, which is motivated. The third party affidavit filed on behalf of the petitioner herein reveals the fact that they are having the habit of consuming liquor.



10. Considering the above facts and circumstances of the case and also the antecedents of the petitioner herein and the political motive upon the said Parthasarathi, who is shown as one of the accused, this Court is not inclined to exercise the powers vested under Section 482 of Cr.P.C., regarding the relief sought for in this petition.

11. In the result, this Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar(P&A)

/True copy/

Sub Assistant Registrar

To

1.The Deputy Superintendent of Police,
(Vigilance & Anticorruption),
1/165 G, Alagar Kovil Main Road,
Madurai - 625 002.

2.The Inspector of Police,
(Vigilance & Anticorruption),
Alagar Kovil Road,
K.Pudur, Madurai

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

+1 CC to M/s.K.Gokul, Advocate, SR No. 3155

MPK
ps/msm-sm/30.01.2017/4p/5c

Pre-Delivery Order made in
Crl.O.P (MD) No.21064 of 2016
Dated: 19.01.2017