

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.09.2018

CORAM:

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA
Crl.O.P.No.21154 of 2018

Devendhiran

... Petitioner

/Vs/

1. The Director,
Vigilance and Anti Corruption Department,
Alandur,
Chennai - 600 016.

2. The Inspector of Police,
Vigilance and Anti Corruption Wing,
Cuddalore District.

.... Respondents

PRAYER: Criminal Original Petition filed under section 482 of Cr.P.C., directing the second respondent to take decision in the light of Honourable Supreme Court Landmark Judgement Lalitakumari case based on the complaint of the petitioner dated 18.08.2018 in accordance with law to secure the ends of justice.

For Petitioner : Mr.M.Velmurugan

For Respondent : Mr.K.Prabhakar
Additional Public Prosecutor

सत्यमेव जयते

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O R D E R

The petition has been filed by the petitioner seeking direction to the second respondent to take decision in the light of the Hon'ble Supreme Court Landmark Judgement Lalitakumari case based on the complaint of the petitioner dated 18.08.2018.

2. The case of the petitioner is that due to previous enmity, on 26.07.2018, around 11.00 a.m one Govindan and his henchmen formed an unlawful assembly armed with deadly weapons like iron rod, wooden log with an intention to kill the

petitioner and trespassed into the house of the petitioner and attacked him and broke his two teeth and caused injuries on the lip and back and abused him in filthy language and made life threat with dire consequences. The petitioner had further submitted that immediately on 26.07.2018 he was admitted at Thittagudi Government Hospital and thereafter, he was referred to Perambalur Government Hospital from 26.07.2018 to 30.07.2018 and treated as inpatient and after discharge from the hospital on 01.08.2018, he went to Siruppakkam Police Station and gave a complaint to the Sub Inspector of Police one Vetriselvam whereas he demanded a bribe of Rs.5000/- to register a case against the accused, but denied to arrest the accused. The allegation of the petitioner is that the Sub Inspector had colluded with the accused persons and thereby, the said Sub Inspector of Police, Vetriselvam had committed a grave illegality and irregularity. The further allegation is that since the Sub Inspector refused to register a case and demanded bribe, the petitioner sent a complaint to the respondents on 18.08.2018 seeking to register a case against the Sub Inspector under the Prevention of Corruption Act.

3. The learned counsel for the petitioner would submit that the respondents have not taken any steps based on the petition dated 18.08.2018.

4. The learned Additional Public Prosecutor on instructions furnished the report of the Sub Inspector of Police, Siruppakkam Police Station in which he had submitted that the complaint of the petitioner is that there was a previous enmity between the petitioner and one Sampath, S/o. Samidurai, due to which on 11.08.2018 while the petitioner and his wife were in their lands, the said Sampath abused them and also threatened to do away with them. He would further submit that the petitioner had sent a complaint through on-line and that the Sub Inspector of Police had in respect of enquiring them summoned the witnesses Selvarasu and Dharmalingam and had asked them to co-operate with the investigation, whereas they had not turned up for enquiry. Based on the on-line complaint, a case has been registered in Crime No.68 of 2018 under Sections 294(b), 323 and 506(i) of IPC. He would further submit that the petitioner even without approaching the higher official or without making any complaint to the superior officer of the District had straight away sent a complaint to the department of Vigilance and Anti Corruption. He would further submit that if this kind of petitions are entertained, it will lead to creating problem for the Investigating Officers and prevent them from independently conducting investigation. The respondents have received the complaint of the petitioner dated 18.08.2018.

5. In respect of the complaint of the petitioner dated 18.08.2018, the learned Additional Public Prosecutor would

submit that it had been received by the respondents on 28.08.2018 and since the postal address was incomplete and that the allegations mentioned in the petition were general in nature and did not disclose any cognizable offence under Prevention of Corruption Act, the respondent had closed the petition. Further, the petitioner had also not approached the competent authority, namely the Superintendent of Police of the concerned District.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsels the petition stands closed. If at all the petitioner has any grievance, the petitioner shall approach the Superintendent of Police of the concerned District for redressal.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police
Vigilance & Anti Corruption
Alandur, Chennai-600 016.
2. The Inspector of Police,
Vigilance and Anti Corruption Wing,
Cuddalore, Cuddalore District.
3. The Public Prosecutor
High Court, Chennai-104.
- 4.The Superintendent of Police,
Cuddalore, Cuddalore District.

Crl.O.P.No.21154 of 2018

KK(CO)

rrs 03/10/2018

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