



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON: 02.08.2018
DELIVERED ON : 14.08.2018

CORAM:

THE HONOURABLE Mrs. JUSTICE R. THARANI

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Writ Petition (MD)No.2678 of 2018

T.Raja Pandian

... Petitioner

Vs.

1. The Director,
Vigilance and Anti Corruption Department,
No:293, MKN Road,
Alandhur,
Chennai - 600016.

2. The Superintendent of Police,
(Southern Zone),
Vigilance and Anti Corruption Department,
No:293, MKN Road,
Alandhur, Chennai - 600016.

3. The Deputy Superintendent of Police,
Vigilance and Anti Corruption,
Tirunelveli,
Tirunelveli District.

4. The Inspector of Police,
Vigilance and Anti Corruption,
Tirunelveli,
Tirunelveli District.

5. Kumaresan

6. P.Chandrasekar

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to conduct unbiased enquiry on the trap laid by the third respondent in connivance with 5th respondent and unearth their personal interest in laying trap in bribery allegation and take appropriate action against the third respondent for having mis-utilised his official capacity for personal interest, and change the Investigation Officer in connection with Crime No.6 of 2016 on the file of the 4th respondent and entrust the same with some other competent Officer under the control and supervision of second respondent's detachment.



For Petitioner : Mr.S.Balamurugan
For Respondents 1 to 4 : Mr.M.Karuppasamy
Government Advocate
For Respondent No.5 : Mr.T.R.Janarthan
For Respondent No.6 : Mr.S.R.Anbarasu

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ORDER

Heard Mr.S.Balamurugan, learned counsel appearing for the petitioner, Mr.M.Karuppasamy, learned Government Advocate appearing for the respondents 1 to 4, Mr.T.R.Janarthan, learned counsel appearing for the fifth respondent and Mr.S.R.Anbarasu, learned counsel appearing for the sixth respondent.

2.The petitioner has filed this writ petition to direct the respondents 1 and 2 to conduct unbiased enquiry on the trap laid by the third respondent in connivance with 5th respondent and unearth their personal interest in laying trap in bribery allegation and take appropriate action against the third respondent for having mis-utilised his official capacity for personal interest, and change the Investigation Officer in connection with Crime No.6 of 2016 on the file of the 4th respondent and entrust the same with some other competent Investigation Officer under the control and supervision of second respondent's detachment.

3.The case against the petitioner is that on 22.08.2016 at about 5.30 p.m., he demanded a bribe of Rs.5,000/- (Rupees Five Thousand only) for sanctioning an agricultural loan. After bargain, the petitioner demanded Rs.4,000/- (Rupees Four Thousand only) and the complaint was registered in Crime No.6 of 2016 on 24.08.2016 and a trap was laid.

4.On the side of the petitioner, it is stated that the petitioner is the accused in this case and he is the Secretary of the Co-operative Society and due to election motive, there is some personal grudges between the petitioner and the fifth respondent who is the President of the Society. The third respondent/the Deputy Superintendent of Police, Mathilalagan is a relative of the fifth respondent and with the help of the third respondent, the fifth respondent foisted this false case. It is further stated that the defacto complainant is also a relative of all the respondents and the sixth respondent is also a relative of the fifth respondent. It is further stated that the tainted notes are recovered from the earth near the entrance of the Society. The sixth respondent forcibly inserted the amount in the pocket of the petitioner. Already one of the member by name, A.Swamy Nadar has filed a Writ petition in W.P.(MD)No.9913 of 2017 against the fifth respondent. Another person by name, Rajapandiyan lodged a complaint against the fifth respondent. As the Deputy Superintendent of Police, Mathilagan is a close relative of the



fifth respondent, though the Court has passed an order for enquiry against the fifth respondent, no action was taken against the fifth respondent. The false trap proceedings is done by the Deputy Superintendent of Police, Mathialagan. Only the chargesheet is filed by some other Deputy Superintendent of Police.

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5. On the side of the second respondent, it is stated that this petition is not maintainable as charge sheet was already filed and was taken on file as S.C.No.1 of 2018 and the case is posted to 31.08.2018 for examination of eye witness. This case is a trap case of the year 2016 and only after the expiry of one year, the petitioner has filed this petition seeking a prayer is for an unbiased enquiry and for transferring the Investigating Agency. There is no question of transferring the Investigating Agency as already investigation over and chargesheet was filed. Only with a motive to create some points for the defence and to create some documents for the defence, this petition is filed by the petitioner. The petitioner has not filed any petition under Section 156(3) of Cr.P.C., and he has not filed any petition to register a case against the third respondent/Deputy Superintendent of Police, Mathialagan.

6. Records perused. The specific prayer in this petition is to conduct unbiased enquiry and for transferring the case to some other Investigating Officer. These prayers could not be considered at this stage as the investigation was already over, the chargesheet was filed and was taken on file and pending for trial. The petitioner has claimed another request to unearth the personal interest of the third and the fifth respondent in laying the trap and to take action against the third respondent. The petitioner has not filed any separate complaint either against the third respondent or against the fifth respondent under Section 156(3) of Cr.P.C., or a private complaint under Section 200 of Cr.P.C or a petition under Section 482 of Cr.P.C. In the above circumstances, this Court deems it fit to dismiss the petition. Hence, this Writ Petition is dismissed.

Sd/-

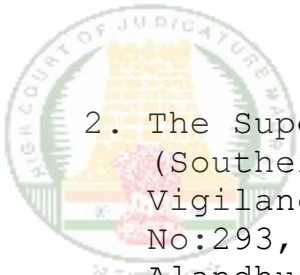
Assistant Registrar (WRITS)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1. The Director,
Vigilance and Anti Corruption Department,
No:293, MKN Road,
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Chennai - 600016.



2. The Superintendent of Police,
(Southern Zone),
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Tirunelveli District.

4. The Inspector of Police,
Vigilance and Anti Corruption,
Tirunelveli,
Tirunelveli District.

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

+1cc to Mr.S.Balamurugan, Advocate SR.No.78629

+1cc to Mr.S.R.Anbarasu, Advocate SR.No.78773

Mrn

MK/SKN/SAR 2/31.08.2018/4P/8C

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