

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 18.01.2018****CORAM:****THE HONOURABLE MR. JUSTICE P.N. PRAKASH****Cr1.O.P. (MD) No.16923 of 2017****WEB COPY**

C.Periathambi

... Petitioner

vs.

1. The Director  
Vigilance and Anti-Corruption Wing  
Greenways Road, Chennai

2. The Deputy Superintendent of Police  
Vigilance and Anti-Corruption Wing  
Theni District, Theni

... Respondents

**PRAYER:** Criminal original petition filed, under Section 482 Cr.P.C., to direct the second respondent herein to register the complaint given by the petitioner, dated 13.11.2017 and take necessary action within the time stipulated.

For Petitioner : Mr.A.Mithun Chakravarthi

For Respondents : Mr.C.Mayilvahana Rajendran  
Additional Public Prosecutor

**O R D E R**

At the outset, this criminal original petition is not maintainable in view of the law laid down by this Court in ***Sugesan Transport Pvt., Ltd., represented by its Director Rajendra Sheth No.7C, Second Canal Cross Road, Gandhi Nagar, Adyar, Chennai-600 020 vs. The Assistant Commissioner of Police, J-2, Adyar Police Station, Adyar, Chennai-600 020 and another***, reported in **2016 (2) CTC 286**.

2. On a reading of the complaint, dated 13.11.2017, given by the petitioner, it is seen that he was granted licence to mine gravel in the private land from 08.09.2017 till 22.09.2017. According to the petitioner, one Sambasivam, AD Mines, had demanded a sum of Rs.1,50,000/- towards Government Deposit and that the petitioner gave the said amount, but he did not get any receipt from the said Sambasivam for the said amount. When the petitioner wanted to mine further 400 Units, another sum of Rs.2,00,000/- was demanded from him towards Government Deposit. According to the petitioner, he gave Rs.1,50,000/- towards Government Deposit and when he demanded receipt for the said sum, it is alleged that Sambasivam, AD Mines told him that the total sum of Rs.3,00,000/- is towards bribe. Hence, the complaint.



3. The fact remains that the petitioner is into the business of mining and therefore, the petitioner cannot say that he did not know the manner in which Government Deposits could be made. The statement of the petitioner that he just like that paid Rs.3,00,000/- to Sambasivam, A.D.Mines, on 04.09.2017 and 26.09.2017 defies credulity and stands unbelievable. The complaint does not inspire the confidence of this Court for issuing direction as prayed for by the petitioner.

4. The learned Additional Public Prosecutor for the respondent - Police submitted that the complaint given by the petitioner was examined and since it did not disclose commission of offence that could be investigated by the Vigilance and Anti-Corruption Wing, the complaint was forwarded to the Commissioner of Geology and Mining, Guindy, Chennai-32.

5. In the result, the criminal original petition is dismissed. However, liberty is given to the petitioner to workout his remedy in the manner known to law.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To:

1. The Director,  
Vigilance and Anti-Corruption Wing,  
Greenways Road, Chennai.
2. The Deputy Superintendent of Police,  
Vigilance and Anti-Corruption Wing,  
Theni District, Theni.
3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

+1cc to Mr.A.Mithun Chakravarthi, Advocate Sr.No.43170

KRK

VB/SV/MMS/SAR4/07/03/2018/2P/5C

**Cr1.O.P.(MD) No.16923 of 2017**  
**18.01.2018**