



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 06.09.2018
CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

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CrI.O.P (MD) No.15950 of 2018

M.Arunchalam

: Petitioner

Vs.

1.The Officer in Charge,
Central Bureau of Investigation,
73, Aathikulam Road,
Reserve line, Madurai.

2.The Director,
Vigilance and Anti Corruption Department,
293, M.K.N.Road,
Alandur, Chennai-600 016.

: Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the impugned order passed by the second respondent in Petition No.7022/2018/HR&CE/SG dated 25.07.2018, set aside the same and consequently direct either of the respondents to register the complaint based on the petitioner's complaint dated 13.07.2018.

For Petitioner : Mr.RM.Arun Swaminathan

For Respondents : Mr.N.Nagarajan,
Special Public Prosecutor for CBI Cases

ORDER

This Criminal Original Petition is filed to call for the records relating to the impugned order passed by the second respondent in Petition No.7022/2018/HR&CE/SG dated 25.07.2018, set aside the same and consequently direct either of the respondents to register the complaint based on the petitioner's complaint dated 13.07.2018.

2.Heard the learned counsel for the petitioner and the learned Special Public Prosecutor for the respondents.

3.The allegation made in the petition is that the petitioner is the life time trustee to the temple by name Arulmigu Koppudaiya Nayaki Amman Temple, Karaikudi. After he was appointed as a life time trustee, pursuant to the order of the Commissioner, HR&CE in the year 1989, he managed the temple along with other non- hereditary trustees. When the HR&CE Department appointed a non-



hereditary trustee for administering the temple, that was challenged by one Swaminathan in W.P.No.1363 of 1982 and the same was allowed. Later the petitioner herein has approached this Court by way of writ petition in W.P.(MD) No.14793 of 2018 for appointing non-hereditary as per the scheme. The matter is still pending.

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4.While so, it is alleged by the petitioner that five items of valuables are found missing and in this regard, when he came to know about this through some temple staff, the complaint was given and report fixing the responsibility upon some persons was also submitted vide proceedings in Na.Ka.61875/2009/12 dated 29.05.2015.

5.Now after a lapse of three years, the complaint dated 13.07.2018 has been lodged by this petitioner alleging misappropriation and sought for investigation by the DVAC. Considering the nature of the complaint, the second respondent has forwarded the matter to the HR&CE Department for appropriate action.

6.It is the contention of the learned counsel for the petitioner that since prima facie case is made out against the public servants as well as some private individual with regard to misappropriation of the temple property, the second respondent ought not to have forwarded the matter to the Department quoting the Government Memo dated 08.04.1964.

7.The complaint of the petitioner herein does not reveal any specific allegation, which could be investigated under the Prevention of Corruption Act. Therefore, the DVAC has rightly forwarded the matter to the concerned Department to look into the complaint, which according to the petitioner, the Department has failed to act upon the report of the Commissioner, HR&CE Department, dated 29.05.2015.

8.From the reading of the complaint and the materials annexed, this Court finds that the petitioner herein has not disclosed any documents to show how he came to be appointed as life time trustee.

9.He has given a complaint regarding misappropriation which alleged to have taken place in the year 2009. The same has been enquired and ended in the proceedings of the Commissioner in the year 2015. Thereafter, after lapsed of two years complaint given. The said complaint is not specific. However, it is for the HR&CE Department, to act upon the order of the Commissioner, dated 29.05.2015. In such circumstances, the act of the second respondent by referring the matter to the Head of Department is in order and need not be interfered.

10.The grievance of the petitioner is that the second respondent the Director, Vigilance and Anticorruption Department ought not to have referred his complaint to the Head of Department. His complaint should be investigated by DVAC or CBI.



11. This Court finds no merit in such prayer. This request is based on bald and vague allegation. The primary investigation agency cannot be forced to look into unspecific, vague complaint. When the Vigilance and Anti Corruption Department has already found that the complaint does not disclose material for investigation at their level, but to be enquired by the Department. Nothing need to be look into further in this Criminal Original Petition, hence dismissed.

Sd/-
Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1. The Officer in Charge,
Central Bureau of Investigation,
73, Aathikulam Road,
Reserve line, Madurai.
2. The Director,
Vigilance and Anti Corruption Department,
293, M.K.N. Road,
Alandur, Chennai-600 016.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to Mr. RM. Arun Swaminathan, Advocate, SR.No.83299

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