

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 07.12.2020

PRONOUNCED ON : 11.12.2020

CORAM:

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.O.P. No.19257 of 2020

R.K. Ayyappan

Petitioner

vs.

1 The Director
Directorate of Vigilance & Anti-Corruption
Alandur
Chennai 600 016

2 The Additional Superintendent of Police
Vigilance and Anti-Corruption
Chennai 600 016

3 The Deputy Superintendent of Police
Vigilance and Anti-Corruption
Thiruvarur District
Thiruvarur

Respondents

Criminal Original Petition filed under Section 482 Cr.P.C.
seeking a direction to the second respondent to register the
petitioner's complaint dated 22.05.2020.

For petitioner

Mr. R. Jayaprakash

For respondents

Mrs. P. Kritika Kamal

Govt. Advocate (Crl. Side)

ORDER

This criminal original petition has been filed seeking a
direction to the second respondent to register the petitioner's
complaint dated 22.05.2020.

2 The petitioner is a practising advocate. He obtained
certain information under the Right to Information Act, 2005,
from the Thiruthuraipoondi Municipality with regard to allotment
of plots to various persons from 2011 and also about the service
particulars of various Commissioners of the Municipality,
including the assets declared by them. Thereafter, the
petitioner gave a complaint dated 22.05.2020 to 11 officials and
has thereafter, filed the instant petition seeking a direction
to the police to register an FIR based on his complaint.

3 Heard Mr. R. Jayaprakash, learned counsel for the petitioner and Mrs. P. Kritika Kamal, learned Government Advocate (Crl. Side) appearing for the respondents.

4 This Court perused the complaint given by the petitioner and found that it contains sweeping allegations against the Municipality officials. It does not disclose the commission of a cognizable offence in particular for the police to register an FIR and proceed with the investigation under Chapter XII, Cr.P.C.

5 At this juncture, apposite it is to point out that in Secretary, Minor Irrigation Vs. Sahngoo Ram Arya¹, the Supreme Court has clearly held that a police investigation cannot be initiated to find out whether a person has committed an offence or not as that would amount to violation of right to life under Article 21 of the Constitution of India of that person. In this case, the petitioner appears to be a busybody and is attempting to use the judicial system with an ulterior motive.

In the result, this criminal original petition is dismissed with costs of Rs.50,000/- payable to the Chief Minister's Public Relief Fund within a period of two weeks from the date of receipt of a copy of this order, failing which, the amount can be recovered from the petitioner under the Revenue Recovery Act.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1 The Director
Directorate of Vigilance & Anti-Corruption
Alandur, Chennai 600 016
- 2 The Additional Superintendent of Police
Vigilance and Anti-Corruption, Chennai 600 016
- 3 The Deputy Superintendent of Police
Vigilance and Anti-Corruption
Thiruvarur District, Thiruvarur
4. The Secretary to Government,
Chief Minister's Public Relief Fund,
Secretariat, Fort saint George, Chennai.

1 (2002) 5 SCC 521

5 The Public Prosecutor
Madras High Court
Chennai 600 104

+1cc to Mr.R.Jayaprakash, Advocate in SR.NO..40664

order in
Crl.O.P. No. 19257 of 2020

SSI (CO)
RV(05/01/2021)



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