

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.No.2037 of 2021

B.Prabakaran
S/o.V.Babu

... Petitioner

Vs.

1.The Director

Directorate of Vigilance and Anticorruption (DVAC)
No.293, MNK Road
Alandur, Chennai- 600 016

2.The Deputy Commissioner

Directorate of Vigilance and Anticorruption (DVAC)
No.293, MKN Road,
Alandur, Chennai - 600 016

.... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the 2nd respondent to register the petitioner's complaint dated 23.10.2020 and file a F.I.R.

For Petitioner : Mr.T.Jayaramaraj

For Respondents : Mr.C.Iyyappa Raj,
Additional Public Prosecutor

O R D E R

(This case has been heard through video conference)

This Criminal Original Petition has been filed by the petitioner seeking to direct the 2nd respondent to register the petitioner's complaint dated 23.10.2020 and file F.I.R. against their case.

2. The Brief facts of the case is that the petitioner is elected as a Councilor in the 4th Ward, Nambedu Village, Vandavasi Taluk, Peranamallur Union, Thiruvannamalai District. The allegation is that the Panchayat President P.Asha and her husband have joined hands with the Officers of Block

Development Office and other related Officers had swindled the public money to the tune of Rs.32 lakhs. Hence, the petitioner had lodged a complaint to the 1st respondent on 23.10.2020. Since, no action had been taken to protect the interest of the public money, the present petition has been filed.

3. The learned Counsel for the petitioner would submit that the petitioner had preferred a complaint to the 1st respondent on 23.10.2020 in respect of misappropriation of public money. However, no action had been taken to register the F.I.R. Hence, he would pray that a direction may be issued to the 2nd respondent to register F.I.R. on the complaint given by the petitioner. However, he would fairly concede that the petitioner has received a letter from the first respondent stating that necessary action has been initiated as per law.

4. The learned Additional Public Prosecutor would submit that as per Section 17-A of the Prevention of Corruption (Amended 2018) Act, the respondent has to obtain approval from the competent authority to initiate action on the complaint of the petitioner and that the respondents have taken necessary steps in accordance with law.

5. He would further submit that the first respondent has already sent a reply in Petn.No.10233/2020/RDP/TVM dated 02.12.2020 to the complaint. He would further submit that based on the outcome of the request made by the respondents to the Competent Authority, action will be taken in accordance with law and that this petition has been filed in a premature stage. Hence, he prayed for dismissal of the same.

6. Heard the learned Counsels on either side.

7. Recording the submission of the learned Additional Public Prosecutor that appropriate steps have been taken for obtaining approval from the Competent Authority and that based on the outcome of the request made by the respondents to the competent authority, action will be taken on the complaint of the petitioner in accordance with law, this court is inclined to close this petition.

8. This Criminal Original Petition stands closed accordingly.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Director
Directorate of Vigilance and Anticorruption (DVAC)
No.293, MNK Road
Alandur, Chennai- 600 016
- 2.The Deputy Commissioner
Directorate of Vigilance and Anticorruption (DVAC)
No.293, MKN Road,
Alandur, Chennai - 600 016
- 3.The Public Prosecutor,
High Court of Madras,
Chennai.

RLD(CO)
SM/04/03/2021

CRL.O.P.No.2037 of 2021