



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.09.2021

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

Cr1.OP.No.9749/2021

[Video Conferencing]

K.Manickam

...Petitioner

Versus

1.The Directorate of Vigilance and
Anti Corruption, No.293,
MKN Road, Alandur,
Chennai 600 016.

2.The Deputy Superintendent of Police
Vigilance and Anti Corruption
New Bus Stand Back Side
Perambalur [PO]
Perambalur - 621212

3.S.Saravanan

...Respondents

Prayer : - Criminal Original Petition filed under Section 482 of Cr.P.C to call for the records of the 2nd respondent pertaining to FIR No.04/2019 dated 26.12.2019 on the file of Vigilance and Anti Corruption, Perambalur and quash the same.

For Petitioner : Ms.S.Yogalakshmi

For R1 & R2 : Mr.E.Raj Thilak
Government Advocate
[Cr1.Side]

ORDER

- (1) The present Criminal Original Petition has been filed seeking to interfere with investigation pursuant to a FIR registered in Crime No.4/2019 on 26.12.2019 by the Department of Vigilance and Anti Corruption, Perambalur.
- (2) Towards the end of the arguments, Ms.Yogalakshmi, learned counsel appearing for the petitioner stated that before the Madurai Bench of this Court, the very same petitioner had filed Cr1.OP. [MD]No.3785/2021 seeking expeditious



investigation of the very same informations given in Crime No.4/2019.

- (3) On the one hand, the petitioner appears to have approached the Madurai Bench of this Court seeking investigation of the FIR and on the other hand, before this Court, the present petition has been filed seeking interference with the FIR. This cannot be permitted. The learned counsel made a vain attempt to state that the averments given in the complaint which was reduced in the form of a FIR, would not stand the scrutiny during the course of trial. It is stated that the averments are so improbable. But since the investigation is in progress and a direction had already been given by the Madurai Bench in the aforesaid Cr1.OP [MD] No.3785/2021 to complete the investigation and file a Final Report within a period of six months, it would be extremely inappropriate on my part to examine the facts.
- (4) Be that as it may, the petitioner herein is facing investigation for the alleged commission of the offence under Section 7 of the Prevention of Corruption Act, 1988. Naturally, necessary averments would revolve around demand, acceptance and recovery of the bribe amount. These are all aspects which will have to be examined by the Investigating Officer primarily on examination of various witnesses and on collection of documents relating to the same and thereafter, the statements recorded of those witnesses, will have to be again tested during the course of trial. The petitioner will have every opportunity to do so and at this stage, when investigation is in progress, with respect to a cognizable offence, I am not prepared to interfere with the same and I am also not prepared to examine the facts because any observation would certainly weigh in the minds of the Investigating Officer and also of the learned Judge, who ultimately tries the case.
- (5) I am also strengthened by the judgment of the Hon'ble Supreme Court of India reported in 1992 SCC [Cr1.] 426 [State of Haryana and Others Vs. Bhajan Lal and Others], wherein the Apex Court had very clearly laid down the guidelines which the High Courts should adopt before interfering with the FIR. It had been very clearly stated that the averments may or may not be true, but, that is not what is to be examined by the Court and what is to be examined by the Court is whether the averments made in the FIR make out a cognizable offence. The veracity of those averments will be the subject matter of trial. But if the averments make out a cognizable offence, then interference with the investigation by the High Court has been very strongly come down by the Hon'ble Supreme Court of India and necessary guidelines have also been laid down.



(6) Let the investigation continue and let the Investigating Officer file a Final Report in accordance with the directions given in CrI.OP [MD] No.3785/2021.

(7) With the above observations, the present Criminal Original Petition stands dismissed.

Sd/-
Assistant Registrar (CS-VI)

// True Copy //

Sub Assistant Registrar

AP

To

- 1.The Directorate of Vigilance and
Anti Corruption, No.293,
MKN Road, Alandur,
Chennai 600 016.
- 2.The Deputy Superintendent of Police
Vigilance and Anti Corruption
New Bus Stand Back Side
Perambalur [PO]
Perambalur.
- 3.The Public Prosecutor
High Court, Chennai.

+1cc to M/s.Mansoorillahi, Advocate SR.No.44426

CrI.OP.No.9749/2021

RSM(CO)
RVM(23/09/2021)