

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 29.04.2021

PRONOUNCED ON : 30.04.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.13252 of 2017
& WMP.Nos.14239 & 34500 of 2017
and
Crl.O.P.No.84 of 2018
& Crl.M.P.No.8212 of 2018

In WP.No.13252 of 2017

V.Vidya

... Petitioner

Vs.

1.Union of India
rep. by the Secretary to Government,
Home Department, New Delhi.

2.The Secretary,
Government of India,
Personal and Administrative Dept.,
New Delhi.

3.The Chief Secretary,
Government of Tamil Nadu,
Secretariat,
Chennai-600 009.

4.The Home Secretary,
Government of Tamil Nadu,
Secretariat,
Chennai-600 009.

5.The Director General of Police,
Government of Tamil Nadu,
Kamaraj Salai,
Mylapore,
Chennai-600 004.

6.Mr.S.R.Jangid,
Director General of Police,
Chennai Metro Transport Corporation,

Pallavan Salai,
Chennai-600 020.

(R6-Amended as per Court Order dated 11.09.2008
by SPIJ in WMP.No.27795/2018 in W.P.13252 of 2017)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the above respondents 3 to 5 to accord sanction as per the letter dated 09.01.2017 in Ref.No.26011/11/2017-IPS.11 issued by the first respondent to prosecute the sixth respondent on the grave criminal misconduct on the cases which have become final and on the order delivered by the Hon'ble Apex Court in SLP.No.1057/2015 dated 03.02.2017 confirming that the cases filed by the prosecution are false and malafied on whose instructions and knowledge false cases were filed against me to safe guard his close associate and real estate fraudsters K.C.Bose who cheated me.

For Petitioner : Ms.V.Vidya, (Party-In-Person)

For Respondent : Mr.T.V.Krishnmachari
Nos.1 & 2

For Respondent : Mr.Jayaprakash Narayanan
Nos.3 to 5 Government Pleader (State)

For Respondent : Mr.K.Sampath Kumar
No.6

In Crl.O.P.No.84 of 2018

V.Vidya

... Petitioner

Vs.

The Director General of Police,
Government of Tamil Nadu,
Kamaraj Salai,
Mylapore,
Chennai-600 004.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, praying to issue an order of direction to appoint any police officer not less than a rank of I.G., with a impeccable integrity possessing moral rectitude recognized and received encomium from the Hon'ble Apex Court, the Hon'ble High Court, Central Administrative Tribunal to Investigate on the above stated grounds and on the judgment

delivered and in specific on the observation indicated by the Hon'ble Division Bench of this Hon'ble Court in W.A.No.857 of 2017. The Investigating Officer is to file a report on the respective cases in the Crime nos. denoted in each of the Cr.Nos.1225/2009, 1247/2009, 960/2009 & 804/2009 which have become final and further file an independent report in Cr.Nos.310/2009, 528/2009, within 60 days. Hence on all the six false cases filed against me in a motivation within the jurisdictional limit of Ex.Sub Urban Commissionerate, when Mr.S.R.Jangid, IPS was the Ex Sub Urban Commissioner, under instructions and knowledge of Mr.S.R.Jangid, IPS., (Ex.Sub Urban Commissioner) to safe guard his close associate and a Real Estate fraudster of K.C.Bose who cheated me and many public. The Police Officer appointed should not have purchased any plot or land promoted by Mr.S.R.Jangid, IPS. Exclusively sold to IPS & IAS Officers in Manapakkam, Karambakkam and other layouts promoted by him.

For Petitioner : Ms.V.Vidya, (Party-In-Person)

For Respondent : Mr.Jayaprakash Narayanan
Government Pleader (State)

O R D E R

The present Writ Petition and Criminal Original Petition is heard through Video Conferencing on 29.04.2021.

2. Heard Ms.V.Vidhya, the petitioner/Party-In-Person and Mr.T.V.Krishnmachari, learned counsel for the respondents 1 & 2, Mr.Jayaprakash Narayanan, learned Government Pleader appearing on behalf of the State respondents 3 to 5 and Mr.K.Sampath Kumar, learned counsel for the sixth respondent.

3. The petitioner herein, alleges that Mr.S.R.Jangid, IPS, who was a former Director General of Police and the sixth respondent in the Writ Petition, while earlier holding the post of Additional Commissioner of Police, had caused undue influence and registered six criminal cases against her, through the local police officials. In this connection, she has filed the aforesaid Writ Petition in W.P.No.13252 of 2017, seeking for a direction to the State Government to accord sanction for initiating criminal prosecution against Shri S.R.Jangid, IPS. Subsequently, she has also filed Crl.O.P.No.84 of 2018, seeking for a direction to the Director General of Police to investigate on her complaints. The facts involved in both the aforesaid Writ Petition and the Criminal Original Petition, filed under Section 482 of Cr.P.C., are one and the same and therefore, both cases are disposed of through a common order.

4. The petitioner herein, who chose to present her case as Party-in-Person, had elaborately, taken this Court through her voluminous pleadings to irrelevant matters, without addressing the actual issues involved in these two cases and hence, this Court was constrained to look into her pleadings by itself. Her grievance, as reflected in her case papers is that, Shri S.R.Jangid, IPS, had allegedly colluded with the Investigating Officers and filed false cases against her. In this connection, she has approached the State Government seeking for sanction to prosecute Shri S.R.Jangid, apparently under Section 197 of the Criminal Procedure Code and simultaneously. She has also simultaneously filed a Criminal Original Petition in Crl.O.P.No.84 of 2018, seeking for a direction to the Director General of Police for taking criminal action against Shri S.R.Jangid, on her complaints.

5. The Home Secretary to the Government of Tamil Nadu has filed a counter affidavit stating that, the five complaints given by the petitioner against Shri S.R.Jangid for sanction and prosecution were elaborately enquired into by the Crime Branch, Central Investigation Department, whereby it was revealed that all these five complaints were false. Accordingly, the Government had closed the petitioner's complaints which were made between 2009 to 2018. The learned Government Pleader further submitted that since the complaints were false, the petitioner's request for initiation of departmental proceedings against Shri S.R.Jingad was also rejected.

6. The affidavit filed by the petitioner does not raise a single legal ground questioning the validity of these rejection orders. Nor did the petitioner orally present any valid grounds challenging these rejections. When the appropriate State Government had enquired into the petitioner's complaints in this regard on five occasions and closed the same on the ground that the complaints were all false, this Court, may not be justified to independently assess the allegations in the petitioner's complaints and thereby direct the concerned authorities to accord sanction or initiate action against Shri S.R.Jangid. The Order of the Government rejecting the petitioner's request for sanction does not suffer from any infirmity and thus does not warrant interference. Such an exercise would also be outside the scope of the powers of this Court under Article 226 of the Constitution of India.

7. The Hon'ble Supreme Court in the case of Hardeep Singh Vs. State of Madhya Pradesh reported in 2012 (1) SCC 748, had also endorsed the aforesaid view in the following manner:-

"16. But on that issue we cannot help him at all.

It is now concluded by an order of this Court that the

complaint filed by the appellant cannot proceed in the absence of sanction by the government for prosecution of the accused named in the complaint. The State Government has declined to grant sanction and the High Court has rightly found that the order of the State Government does not suffer from any infirmity and does not warrant any interference by the court. The prayer of the appellant, therefore, to send the accused behind bars cannot be entertained."

8. Likewise in the case of Sanjaysinh Ramrao Chavan V. Dattatray Gulabrao Phalke and others reported in 2015 (3) SCC 123, had held that rejection of sanctions for vexatious claims cannot be entertained. The relevant portion of the decision is as follows:-

19. Once the prosecution is of the view that no case is made out so as to prosecute an accused, unless the court finds otherwise, there is no point in making a request for sanction for prosecution. If the prosecution is simply vexatious, sanction for prosecution is not to be granted. That is one of the main considerations to be borne in mind by the competent authority while considering whether the sanction is to be granted or not. In Mansukhlal Vithaldas Chauhan v. State of Gujarat [8], this Court has in unmistakable terms made it clear that no court can issue a positive direction to an authority to give sanction for prosecution. To quote:

"32. By issuing a direction to the Secretary to grant sanction, the High Court closed all other alternatives to the Secretary and compelled him to proceed only in one direction and to act only in one way, namely, to sanction the prosecution of the appellant. The Secretary was not allowed to consider whether it would be feasible to prosecute the appellant; whether the complaint of Harshadrai of illegal gratification which was sought to be supported by "trap" was false and whether the prosecution would be vexatious particularly as it was in the knowledge of the Government that the firm had been blacklisted once and there was demand for some amount to be paid to the Government by the firm in connection with this contract. The discretion not to sanction the prosecution was thus taken away by the High Court."

9. In the present case, the appropriate authorities have considered the petitioner's complaints and have closed them as 'false complaints'. The petitioner's request for granting sanction to prosecute Shri S.R.Jangid has thus been considered, by the Government and rejected and in view of the aforesaid decisions of the Hon'ble Supreme Court, this Court cannot entertain the claim made by the petitioner in these two cases.

10. Accordingly, both the Writ Petition in W.P.No.13252 of 2017, as well as the Criminal Original Petition in CrI.O.P.No.84 of 2018, stand dismissed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

DP

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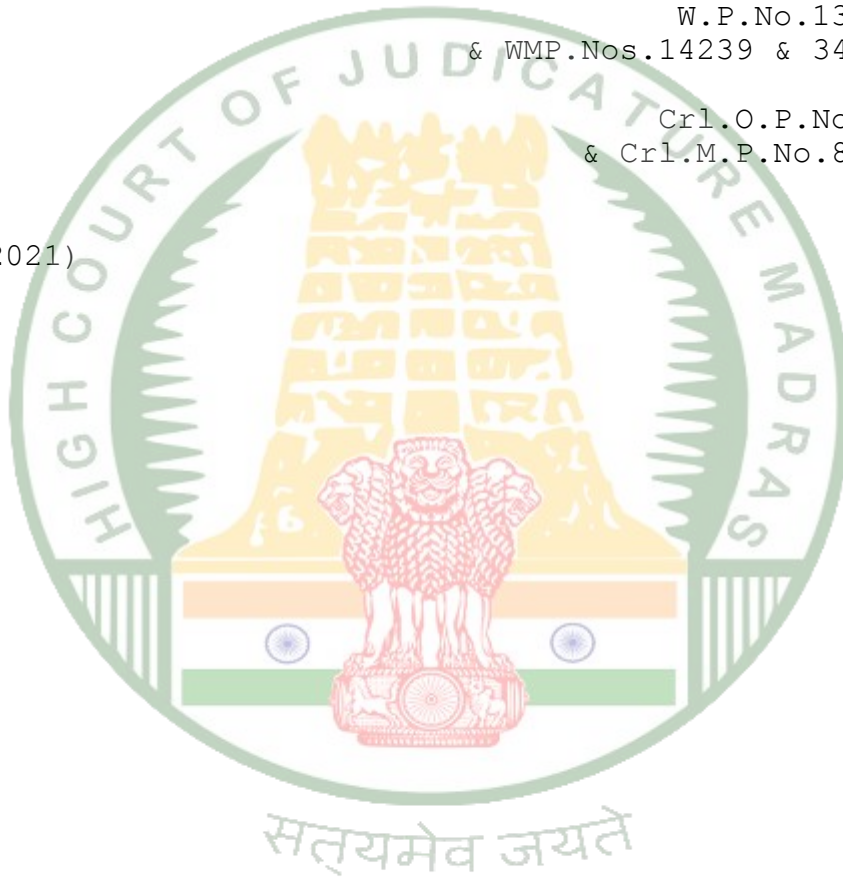
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+4cc to Mr.K.Sampath Kumar, Advocate, S.R.No.26572, 26573
+4cc to Ms.V.Vidhya, Advocate, S.R.No.26471, 26466
+2cc to Mr.T.V.Krishnamachari, Advocate, S.R.No.26551, 18109
+1cc to the Government Pleader, SR.26773

W.P.No.13252 of 2017
& WMP.Nos.14239 & 34500 of 2017
and
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& Crl.M.P.No.8212 of 2018

JP (CO)
CB(13/07/2021)



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