



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **24.06.2021**

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WEB COPY

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Cr1.O.P(MD).5318 of 2021

Lizee,
W/o.Homerlal

... Petitioner

Vs.

1.The Director of Vigilance and Anti-Corruption
Directorate of Vigilance and Anti-Corruption,
No.293, MKN Road,
Alandur,
Chennai-16.

2.The Deputy Superintendent of Police,
No.210/1A Lurdu Annai Salai,
Rajakkamangalam Road,
Nagercoil-629 004.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the first respondent to register the case on the basis of the complaint of the petitioner dated 02.03.2021 within a time frame that may be fixed by this Court.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.T.Senthil Kumar
Government Advocate(Criminal Side)

ORDER

The learned Government Advocate(Cr1.Side) replies to the submission of the learned counsel for the petitioner that as per the Prevention of Corruption (Amended) Act, 2018, Section 17(A) there is a bar, which is extracted hereunder:-

*17(A).Enquiry or Inqui or investigation of offence
relatable to recommendations made or decision taken by
public servant in discharge of official function or
duties.*

*(I) No police officer shall conduct any
enquiry or inquiry or investigation into any offence to
have been committed by a public servant under this Act,
where the alleged offence is relatable to any
recommendations made or decision taken by such public*



servant in discharge of his official functions or duties, without the previous approval

"(A) In the case of person who is or was employed, at the time when the offence was alleged to have been committed, in connection with the affairs of the union, of that Government.

(b) in the case of a person who is or was employed, at the time when the offence was alleged to have been committed, in connection with the affairs of a State of that Government.

(c) in the case of any other person, of the authority competent to remove him from his office, at the time when the offence was alleged to have been committed.''

Now, the petition copy along with related documents have been furnished by the learned counsel for the revision petitioner to the office of the learned Government Advocate as well as the respondents herein and the same was forwarded to the Inspector General of Registration, seeking for remarks and comments and the same is awaited. Only based on the remarks and comments, the Director of Vigilance and Anti-Corruption can proceed with the case further.

2. In the present, the Criminal Original Petition shall be closed. If at all, the petitioner seeks any information, he can approach the Director of Vigilance and Anti-Corruption regarding the same through the Right to Information Act.

3. Based on the submission of the learned Additional Public prosecutor, this petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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Note: (i) In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To,

1.The Director of Vigilance and Anti-Corruption
Directorate of Vigilance and Anti-Corruption,
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2.The Deputy Superintendent of Police,
No.210/1A Lurdu Annai Salai,
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+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-20126[F] dated
24/06/2021)

CRL.O.P(MD).5318 of 2021

24.06.2021

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