



W.P.No.938 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2023

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**THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI**

W.P.No.938 of 2023

R.Jayanthi

...Petitioner

Vs.

State by:

Deputy Superintendent of Police / Inspector of Police,  
Vigilance and Anti-Corruption,  
Near Salem Armed Reserve,  
Kumarasamypatti, Salem-7.

...Respondent

**PRAYER:** Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus or other appropriate writ or order in the nature of writ directing the respondent to furnish the statements regarding details of the properties of the accused arrived in the First Information Report in FIR.No.4/AC/2021 on the file of the respondent.

For Petitioners : Mr.S.Doraisamy

For Respondent : Mr.A.Gokulakrishnan  
Additional Public Prosecutor



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### **ORDER**

The present Writ petition has been filed seeking issuance of a Writ of Mandamus to direct the respondent to furnish the statements regarding the details of the properties of the accused arrived in the First Information Report in FIR.No.4/AC/2021 on the file of the respondent.

2. When the matter was taken up for hearing today, Learned Additional Public Prosecutor appearing for the respondent submitted that, so far the investigation is not concluded and the final report is not yet filed and the same is pending and only upon conclusion of the investigation, they can submit the nature of the subject properties. He further submitted that, after conclusion of the investigation, the respondent is ready to provide opportunity to the petitioner by giving final report notice. However, the petitioner has come up with this Writ petition in a premature stage. Accordingly, he prayed for dismissal of this petition.



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3. Per contra, Learned counsel for the petitioner relied upon Paragraph 76 from the Chapter VIII in the Manual of the Directorate of Vigilance and Anti-corruption to contend that opportunity has to be given to the petitioner to give her explanation with regard to the source of the properties and the same has to be incorporated in the final report. For better appreciation, the relevant portion is extracted hereunder:

“On receipt of the reply from the Accused Officer, the Investigation Officer should send it to Headquarters Office with a draft paragraph to this effect to be incorporated in the Final Report. If the Accused Officer comes forward with any new plea or explanation, the same should be verified by the Investigation Officer and a definite finding regarding such plea or explanation, should be given for corporation in the Final Report”

4. Heard learned counsel on either side and perused the materials available on record.

5. In view of the above, this Court is of the view that, as rightly submitted by the learned Additional Public Prosecutor appearing for the respondent, only after conclusion of the final investigation, opportunity



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can be given to the petitioner to submit her explanation, but not now, since the investigation is not completed.

5. Hence, recording the submission made by the Learned Additional Public Prosecutor, this petition is disposed of, as the same is filed in a premature stage. However, after conclusion of the investigation, the respondent is directed to issue appropriate notice to the petitioner and provide her with opportunity to submit her explanation.

6. With the above observations and directions, this Writ petition is disposed of. No costs.

**07.02.2023**

skt

Internet: Yes/No

Index :Yes/No

To

The Deputy Superintendent of Police / Inspector of Police,  
Vigilance and Anti-Corruption,

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Kumarasamypatti, Salem-7.

**T.V.THAMILSELVI, J.**

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