



Crl.O.P.No.22947 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

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Murugan

...Petitioner

-Vs-

The Deputy Superintendent of Police,
Vigilance & Anti Corruption Wing,
Cuddalore District,
Cuddalore.

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondent to register the FIR on the petitioner's complaint dated 24.12.2020 and investigate the same in the light of the order passed by the learned Chief Judicial Magistrate, Cuddalore, Cuddalore District, in Crl.M.P.No.300 of 2021 dated 20.07.2021, in accordance with law.

For Petitioner : No appearance

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed for direction to direct the respondent to register the FIR on the petitioner's complaint



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dated 24.12.2020 and investigate the same in the light of the order passed by the learned Chief Judicial Magistrate, Cuddalore, Cuddalore District, in Crl.M.P.No.300 of 2021 dated 20.07.2021.

2. Today, when the matter was called in the morning, no one was present. Hence, this Court passed over the matter. Even while calling the matter at 2.15 p.m., no one is present either by person nor through counsel. Therefore, this Court is inclined to pass order on the instructions given by the learned Government Advocate (Crl. Side)

3. The petitioner lodged complaint as against the Revenue Inspector Mangalore Village, before the respondent police on 24.12.2020. Since no action was taken, the petitioner filed petition for direction under Section 156(3) of Cr.P.C., before the learned Chief Judicial Magistrate, Cuddalore, in Crl.M.P.No.300 of 2021 and the learned Magistrate by an order dated 20.07.2021, forwarded the complaint to the respondent for taking necessary action in accordance with law. Even then, the respondent did not register any FIR as such, the petitioner filed the present petition with the above said prayer.



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4. It is seen from the records that on receipt of the complaints dated 24.12.2020 & 03.12.2020, received from the petitioner, the Directorate of Vigilance has already forwarded the same to the District Collector for taking appropriate action. That apart, the Magistrate cannot order investigation against the public servant, while invoking powers under Section 156(3) of Cr.P.C., without any previous sanction, since the previous sanction is mandatory under Section 19(1)(c)(ii) of the Prevention of Corruption Act, 2018.

5. That apart, on the direction issued by the learned Chief Judicial Magistrate, Cuddalore, the respondent also conducted detailed enquiry and the petitioner was appeared before the respondent. After recording the statement from the petitioner, he was denied sanction to prosecute as against the proposed accused. Thereafter, the complaint was closed, since the petitioner himself had withdrawn his complaint. The same was also intimated to the learned Chief Judicial Magistrate, Cuddalore, on 28.07.2021 itself.



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6. In view of the above no direction can be issued as sought for by the petitioner. Accordingly, the Criminal Original Petition stands dismissed.

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Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

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1. The Chief Judicial Magistrate,
Cuddalore, Cuddalore District.
2. The Deputy Superintendent of Police,
Vigilance & Anti Corruption Wing,
Cuddalore District,
Cuddalore.
3. The Public Prosecutor,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN. J.

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