



WEB COPY



W.P.No.9956 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2024

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THE HON'BLE MR.JUSTICE **VIVEK KUMAR SINGH**

W.P.No.9956 of 2024

Manoharan

... Petitioner

Vs.

1.The Director,
Vigilance & Anti Corruption Department,
Alandur, Chennai 16.

2.The Inspector of Police,
Vigilance & Anti Corruption Department,
Perambalur District, Perambalur.

3.M.Periyasamy,
Former Sub Inspector of Police,
Perambalur Police Station,
Perambalur District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of Constitution of India, for issuing a Writ of Mandamus directing the first respondent to consider the representation of the petitioner dated 21.03.2024 to look into the corruption aspect, in accordance with law.



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For Petitioner : Mr.M.Velmurugan

For Respondents: Mr.S.Santhosh,
Government Advocate (Crl.Side) for R1&R2

ORDER

This Writ Petition is filed seeking for issuance of a Writ of Mandamus directing the first respondent to consider the representation of the petitioner dated 21.03.2024.

2. The petitioner had given a representation dated 21.03.2024 to the first respondent stating that the third respondent, M.Periyasamy, Former Sub Inspector of Police, Perambalur Police Station, had obtained Rs.10 lakhs from the counter party and closed the First Information Report in Crime No.653 of 2018 as mistake of fact and on verification, it came to light that there is no such report filed by the above said official before the Judicial Magistrate Court, Perambalur.

3.Heard the learned counsel for the petitioner and the learned Government Advocate (crl.side) for the respondents 1 and 2.

4.The learned counsel for the petitioner submitted that the petitioner



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is doing business in the name of Deepika Steel Company by placing large steel wires inside Steel Shed and getting two electricity connection in his name. In the said Company, the petitioner had 20 tons of iron bars worth about Rs.11 lakhs for sale. On 04.10.2018, in his absence, some of the accused persons trespassed into the company and threatened his wife and robbed 20 tons of steel wires and computer and equipment connected to CCTV, which was kept in front of the company and loaded it into a truck and left. In view of the said criminal act, the petitioner's wife made a complaint on 06.10.2018 and it was registered as Crime No.653 of 2018 for the offences under Sections 147, 447, 380 and 506(i) of IPC. Thereafter, it came to light that the third respondent, who registered the said case, took a bribe of Rs.10 lakhs from his enemies and after his retirement, he closed the case as mistake of fact. Since there was inaction on the petitioner's representation dated 21.03.2024 till date, the present petition has been filed.

5.The learned Government Advocate (crl.side) appearing for the respondents 1 and 2 submitted that the representation of the petitioner was scrutinized by the Directorate. The Directorate had forwarded the same to the Superintendent of Police, Perambalur District, vide ref. in DVAC



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Petn.No.3804/2024/MISC/PBR, dated 28.03.2024 and the same has been proceeded as per the instruction issued in Government Memo No.1356/64/2, Public (Services-B) dated 08.04.1964. In continuation of the above, the Superintendent of Police, Perambalur District had sent an enquiry report to the Directorate vide Ref.in.Na.Ka.No.C3/ E-7184187/2024, dated 13.05.2024, in which, it has been stated that an enquiry was conducted by the Deputy Superintendent of Police, Perambalur Sub Division, Perambalur District and the petitioner did not appear for enquiry, even after several communication through calls made and summons issued to him to appear for enquiry.

6.In view of the submissions made by the learned Government Advocate (crl.side), the petitioner has remedy of filing a protest petition against the order passed by the enquiry officer before the concerned Judicial Magistrate Court. If such a petition is made by the petitioner, the learned Judicial Magistrate, shall pass appropriate orders, within a period of one month from the date of receipt of a copy of this order.



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7. With the above direction, this Writ Petition is disposed of. No costs.

07.06.2024

Index : Yes / No
Speaking / Non-speaking
Neutral Citation : Yes / No
vkr

To

1. The Director,
Vigilance & Anti Corruption Department,
Alandur, Chennai 16.
2. The Inspector of Police,
Vigilance & Anti Corruption Department,
Perambalur District, Perambalur.

VIVEK KUMAR SINGH, J.



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