



WEB COPY



WP.No.23483 of 2024

In the High Court of Judicature at Madras

Dated : 12.8.2024

Coram :

The Honourable Mr.Justice M.DHANDAPANI

Writ Petition No.23483 of 2024 &
WMP.No.25683 of 2024

Mr.S.B.Suriyanarayanan

...Petitioner

Vs

1.The Tamil Nadu Lokayuktha,
rep.by its Registrar, SIDCO
Building, 6th Floor, Thiru Vi Ka
Industrial Estate, Guindy,
Chennai-32.

2.Mr.Thirumal Azhagu,
Deputy Superintendent of Police (Retd.),
(Formerly Inspector of Police), South Police Station,
Rajapalayam,
Virudhunagar District.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the first respondent contained in the impugned order dated 10.8.2023 in Lok C.C.No.3 of 2020 (R.No.79 of 2019), quash the same as arbitrary, unjust and illegal and further direct the first respondent to call for the records such as pocket diaries, duty roster, general diary and case diary pertaining to Crime No.864 of 2015 and pass a fresh order in Lok C.C.No.3 of 2020 (R.No.79 of 2019).



WEB COPY



WP.No.23483 of 2024

For Petitioner : Mr.Cibi Vishnu
For R1 : Mr.L.S.M.Hasan Fizal, AGP

ORDER

This writ petition has been filed challenging the proceedings dated 10.8.2023, by which, in the complaint filed by the petitioner against the second respondent, the first respondent closed the proceedings on the ground that no prima facie case existed to proceed further in the matter.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader accepting notice for the first respondent. In view of the limited nature of order this Court proposes to pass, the writ petition itself is taken up for final disposal without ordering notice to the second respondent.

3. The case of the petitioner is as follows :

(i) The petitioner claims to be a part of the association called Thiruvananthapuram Kottai Kshathria Rajakkul Mahasabhai. Earlier, he was stated to have served as its Executive Committee Member during the period between 2007 and 2009. The petitioner preferred a police complaint, which culminated in the registration of a first



WP.No.23483 of 2024

information report in Crime No.161 of 2013 on the file of Rajapalayam South Police Station against one Mr.S.A.Ganesaraja and one Mr.S.A.Palmaraja on the ground that the said persons wrongfully and illegally misappropriated the funds of the said association. The petitioner also filed a civil suit before the concerned court against the said persons.

(ii) When things stood thus, on 23.12.2015 at about 7.15 AM, three police officers came to the association building, manhandled the petitioner and produced before the second respondent, who was the then Inspector of Police at Rajapalayam South Police Station. At the relevant point of time, the petitioner was informed by the second respondent that one Mr.V.Muthukrishnaraja gave a complaint against the petitioner alleging assault. According to the petitioner, the second respondent demanded a huge sum towards bribe and in failure to oblige, the petitioner was threatened with dire consequences.

(iii) The second respondent further insisted that the petitioner should withdraw the criminal complaint and the civil suit filed against the said Mr.S.A.Ganesaraja and the said Mr.S.A.Palmaraja. As the petitioner refused to oblige to the illegal demands of the second respondent, a false complaint was registered against the petitioner in Crime No.864 of 2015 on the file of the Rajapalayam South Police Station, pursuant to which, the petitioner was arrested and



WP.No.23483 of 2024

remanded.
WEB COPY

(iv) Hence, the petitioner was constrained to file a complaint before the first respondent and it was taken on file as Lok C.C.No.3 of 2020 wherein it was ordered to conduct a preliminary inquiry by the Vigilance Commission and to file a report within a period of two months. Ultimately, the Director of Vigilance and Anti Corruption, Chennai filed a report. However, to his shock and surprise, by the impugned order, the first respondent closed the complaint given against the second respondent. Hence, the petitioner is before this Court.

4. Heard the learned counsel on either side and perused the materials available on record and more particularly the impugned order.

5. The petitioner made a complaint before the first respondent as if the second respondent demanded bribe for closing the complaint registered against him in Crime No.864 of 2015 on the file of the Rajapalayam South Police Station, which culminated in filing the charge sheet in C.C.No.205 of 2016. The petitioner was also acquitted of the charges by order dated 30.6.2023 in C.C.No.205 of 2016 on



WP.No.23483 of 2024

the file of the Judicial Magistrate, Rajapalayam.

WEB COPY

6. In the impugned order, the first respondent recorded that the complaint filed by the petitioner against the office bearers of the association was referred as a mistake of fact, that in turn, the police registered a case against the petitioner based on the complaint given by the opposite party, that out of frustration, the petitioner might have filed the complaint before the first respondent and that no prima facie case existed to proceed further in the matter.

7. In the considered view of this Court, if at all the petitioner is aggrieved by the action of the second respondent, he has to make a complaint before the District Jurisdictional Vigilance Cell as per the Vigilance Manual or private complaint before the competent Court.

8. Accordingly, the writ petition is dismissed. No costs. Consequently, the connected WMP is also dismissed.

12.8.2024

Index : Yes (or) No
Neutral Citation : Yes (or) No
SSB



WEB COPY



WP.No.23483 of 2024

To
The Registrar,
Tamil Nadu Lokayuktha,
SIDCO Building, 6th Floor,
Thiru Vi Ka Industrial Estate,
Guindy, Chennai-32.



WEB COPY



WP.No.23483 of 2024

M.DHANDAPANI,J

SSB

WP.No.23483 of 2024&
WMP.No.25683 of 2024

12.8.2024