



Cr1.RC(MD)No.46 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16/10/2024

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THE HONOURABLE MR. JUSTICE G.ILANGOVAN

Cr1.RC(MD)No.46 of 2023

R.Narayanasamy : Petitioner/Petitioner

Vs.

- 1.Ramasamy,
Personal Assistant to SP
District Police Office,
Virudhunagar.
- 2.Jegadeesan,
Superintendent of Penal Division,
District Police Office,
Virudhunagar.
- 3.Padmanaban,
Superintendent of Appeal Section of Pension Division,
Director General of Police Office,
Chennai.
- 4.State through the Inspector of Police,
Vigilance and Anti-Corruption,
District Police Office,
Virudhunagar.
- 5.The Superintendent of Police,
District Police Office,
Virudhunagar. : Respondents/Respondents

Prayer: This Criminal Revision is filed under section 397 r/w 401 Cr.P.C., to call for the records relating to the order, dated 25/11/2022 made in Cr.MP No.5477 of 2022 on the file of the Chief Judicial Magistrate, Virudhunagar at Srivilliputhur and set aside the same as illegal.



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For Petitioner : Mr.B.Janarthkumar @
Janath Ahmed

For R1 to R3 : Mr.M.Ajmal Khan
Senior Counsel
for M/s.Ajmal Associates

For R4 and R5 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

O R D E R

This Criminal Revision is filed against the order, dated 25/11/2022 made in Cr.MP No.5477 of 2022 on the file of the Chief Judicial Magistrate, Virudhunagar at Srivilliputhur.

2.The facts in brief:-

The revision petitioner as complainant filed a petition under section 156(3) Cr.P.C before the trial court, seeking a direction to the Inspector of Police, Vigilance and Anti Corruption, Virudhunagar to register and investigate the complaint filed by him. That application was entertained by the Chief Judicial Magistrate, Virudhunagar District at Srivilliputtur in Crl.MP No.5477 of 2022. By order, dated 25/11/2022, it dismissed the petition/complaint by making the following order:-

*"2.The affidavit of the
petitioner perused. The petitioner*



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alleges that the respondents 1 and 2 have misrepresented and cheated him and to have not properly executed their duties regarding the petitions of the petitioner and the 3rd respondent is alleged to have accepted bribe from the petitioner. The petitioner states that the monies were demanded and paid at Chennai. The 3rd respondent also works at Chennai. The petitioner seeks to register the case U/s.161, 406, 420 IPC for which the application has to be filed before the appropriate Judicial Magistrate Court. The petitioner, alleges demand and acceptance of bribe by 3rd respondent at Chennai which area falls out of the jurisdiction of this court. Moreover, as per the decision of Hon'ble Supreme Court in Anil Kumar and others Vs. M.K.Aiyappa sanction is mandatory even for registering a FIR. The matter has been referred to a larger Bench in Manju Surana Vs.Sanjay Arora, and the decision is awaited. Further, Sec 17A of the Prevention of



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Corruption Amended Act 2018 requires that the Investigating Officer should obtain sanction from the appropriate authority even to conduct inquiry, enquiry or investigation unless the said public servant is caught red handed. The petitioner has not obtained any sanction lest taken any steps to obtain sanction."

3.The correctness of the order is now called in question by filing this criminal revision.

4.Heard both sides.

5.Entire records from the trial Court as well as the Enquiry Officer namely the 5th respondent herein were called for and perused.

6.The revision petitioner was working as Grade I Police Constable in Virudunagar Sub Division East Police Station. He lodged a complaint stating that the private respondents herein demanded bribe amount for showing leniency in the Department Proceedings initiated against him.



7.It is the specific complaint that the private respondents received bribe amount for showing favour. It is an inter Departmental issue. It was forwarded to the concerned authority namely the Superintendent of Police, Virudhunagar District. He made enquiry and sent a report to the DIG, Madurai Range, by letter, dated 28/12/2022. Wherein it has been concluded that misconception of facts, he gave the complaint against the private respondents.

8.Status report was filed by the Superintendent of Police, Virudhunagar District, before this court. Wherein para 6, it has been stated that regarding the allegations against the Chief Office Staff, enquiry was conducted. There were money transaction between this revision petitioner and the Chief Office Staff, who are working in Chennai. Apart from that, it is also stated that since the private respondents as well as the revision petitioner wanted to pursue the matter before the court, no further action was taken.

9.Reading of the above said status report shows that because of the personal issue as well as non-cooperation of the revision petitioner, further action could not be taken.



10. With regard to the merits of the allegation, no discussion is made. It may cause unnecessary prejudice to the parties.

11. Now coming to the order passed by the trial court, two grounds are mentioned. First ground is that no proper sanction was obtained by the revision petitioner for prosecuting the private respondents. Another ground is that the cause of action arose within the jurisdiction of Chennai. But with regard to the first aspect of lack of sanction, the trial court ought to have avoided considering that point, when it has no jurisdiction to entertain the complaint.

12. As stated in the status report, issue arose within the jurisdiction of Chennai. Since the revision petitioner has stated that for showing in his favour, the Chief Office Staff received the bribe amount. So, the Vigilance and Anti Corruption Department, Virudhunagar has no jurisdiction to entertain that complaint. Consequently, the trial court has also no jurisdiction to entertain the complaint.

13. So without going into the merits of the complaint and the conclusion arrived at in the Departmental Proceedings, I am of the considered view that the revision



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may be dismissed with liberty to the revision petitioner to approach the concerned jurisdictional court for appropriate remedy.

14. With the above said liberty, this criminal revision stands **dismissed**.

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Index : Yes/No
Internet : Yes/No
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To,

1. The Chief Judicial Magistrate,
Virudhunagar at Srivilliputhur.
2. The Inspector of Police,
Vigilance and Anti-Corruption,
District Police Office,
Virudhunagar.
3. The Superintendent of Police,
District Police Office,
Virudhunagar.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G. ILANGO VAN, J

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