

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 8TH DAY OF JUNE 2016/18TH JYAISHTA, 1938

WP(C).No. 4932 of 2016 (N)  
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PETITIONER :  
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JOY KAITHARATH,  
GENERAL SECRETARY,  
STATE HUMAN RIGHTS PROTECTION CENTRE,  
VELLIKULANGARA, THRISSUR -680 699

BY ADV. SRI.JOHN K.GEORGE

RESPONDENT(S):  
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1. STATE OF KERALA,  
REPRESENTED BY SECRETARY, VIGILANCE DEPARTMENT,  
GOVERNMENT OF KERALA, SECRETARIAT,  
THIRUVANANTHAPURAM-695 001
2. THE DIRECTOR,  
VIGILANCE & ANTI CORRUPTION BUREAU,  
VIKAS BHAVAN, THIRUVANANTHAPURAM-695 001
3. THE ADDITIONAL CHIEF SECRETARY,  
INDUSTRIES DEPARTMENT, GOVERNMENT OF KERALA,  
THIRUVANANTHAPURAM-695 001
4. THE DEPUTY SUPERINTENDENT OF POLICE,  
VIGILANCE & ANTI CORRUPTION BUREAU,  
PALAKKAD-680 699.

BY PUBLIC PROSECUTOR SMT. HYMA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD  
ON 08-06-2016, THE COURT ON THE SAME DAY DELIVERED  
THE FOLLOWING:

sts

**WP(C).No. 4932 of 2016 (N)**  
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**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
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**P1: TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER BEFORE THE  
ADDITIONAL DIRECTOR OF STATE VIGILANCE DATED 16.04.2015**

**P2: TRUE COPY OF THE LETTER ISSUED BY THE MANAGER OF THE STATE  
VIGILANCE AND ANTI CORRUPTION BUREAU DATED 03.09.2015**

**RESPONDENT(S)' EXHIBITS:**  
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**NIL**

**/TRUE COPY/**

**P.A.TO JUDGE**

**sts**

**B. KEMAL PASHA, J.**

.....  
W.P.(C) No. 4932 of 2016

.....  
Dated this the 8<sup>th</sup> day of June, 2016

**J U D G M E N T**

Petitioner is the defacto complainant, who had preferred Ext.P1 complaint before the Additional Director of VACB. According to the petitioner, even though cognizable offences have been revealed, no crime has been registered in the matter so far. The VACB had conducted a quick verification, which has revealed cognizable offences in the matter. According to the petitioner, still no FIR has been registered in the matter and no investigation is going on.

2. The learned Public Prosecutor, on instructions, submits that FIR was not registered for want of sanction and presently sanction has been granted, and consequently, FIR has been registered in the matter and investigation is going

on. When cognizable offences have been revealed in Ext.P1 complaint and in the quick verification, the VACB need not wait for any sanction for registering a FIR. Sanction is required only for the purpose of taking cognizance of the offence and not for any other purpose. Of course, at the time of filing the final report, they will have to obtain sanction under Section 19 of the P.C. Act. As FIR has been registered and investigation is going on, the writ petition has become infructuous and is only to be dismissed, and I do so.

In the result, this Writ Petition is dismissed. It is made clear that in case of any further grievance in the matter, it is open to the petitioner to approach this Court again.

**Sd/- B. KEMAL PASHA, JUDGE.**

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// true copy //

P.S. to Judge.