



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED 11.07.2017
CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR
W.A.(MD)No.933 of 2017

N.Pitchai ... Appellant/Petitioner
Vs.

1.The Director General of Police,
Tamilnadu,
Mylapore, Chennai-4.

2.The Superintendent of Police,
CBCID,
Chennai.

3.The Inspector of Police,
Veerapandi Police Station,
Theni District.

...Respondents/Respondents

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent, praying to set aside the order dated 19.04.2017 passed in W.P.(MD) No.3237 of 2017 on the file of this Court.

Prayer in WP(MD). 3237/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the 1st Respondent to transfer the investigation in respect of Crime No.432 of 2016 pending on the file of 3rd Respondent Police to 2nd Respondent CBCID.

For Appellant : Mr.R.Murali
For Respondents : Mr.VR.Shanmuganathan
Special Government Pleader

JUDGMENT

[Judgment of the Court was delivered by **M.M.SUNDRESH, J.**]

Heard Mr.R.Murali, learned counsel appearing for the appellant and Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the respondents.

2.By consent of both sides, this writ appeal itself is taken up for final disposal.

3.The appellant is the father of the deceased Tamilselvan. The deceased is said to have died on 22.10.2016, while he was studying in the school. He was taken to the hospital for taking



treatment due to contusion in the brain. After treatment, he was declared dead. On the complaint given by the appellant, a case has been registered alleging that there is no substantial progress and hence, the petitioner filed the Writ Petition to transfer the investigation pending in Cr.No.432 of 2016.

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4.The learned Single Judge disposed of the writ Petition by directing the Deputy Superintendent of Police, Theni to monitor the investigation. Not satisfied with the same, the present appeal has been filed.

5.The fact remains that though the case has been registered in the year 2016, no final report has been filed till now. What the appellant seeks is a fair and speedy investigation.

6.Considering the above, we are of the considered view that it would appropriate to transfer the investigation from the third respondent to second respondent, the Superintendent of Police, CBCID, Chennai. Accordingly, the writ appeal is disposed of with a direction to the first respondent to transfer the investigation to the second respondent, within a period of four weeks from the date of receipt of a copy of this order. After receipt of the case in Cr.No.432 of 2016, the second respondent shall continue the investigation and to file a final report, within a period of four months, thereafter. No costs.

Sd/-

Assistant Registrar(Protocol)

/True copy/

Sub Assistant Registrar

To

- 1.The Director General of Police,
Tamilnadu,
Mylapore, Chennai-4.
 - 2.The Superintendent of Police,
CBCID,
Chennai.
 - 3.The Inspector of Police,
Veerapandi Police Station,
Theni District.
 - 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- +1cc to Mr.R.Murali,Advocate,SR.64700

AM/SSS

<https://hservices.hcma.org.in/hsa/18.07.2017/2P-6C>

W.A. (MD) No.933 of 2017
11.07.2017