

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 07.06.2017****CORAM:****THE HONOURABLE MR. JUSTICE P.N. PRAKASH****W.P. (MD) No.13405 of 2016****and****W.M.P. (MD) No.10035 of 2016**

Ganeswari

: Petitioner

-Vs-

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Home & Police Department,
Secretariat,
Chennai.
2. The Superintendent of Police,
Theni District, Theni.
3. The Superintendent of Police,
CBCID, Chennai.
4. The Deputy Superintendent of Police,
Andipatti,
Theni District.
5. The Inspector of Police,
Andipatti Police Station,
Theni District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the first respondent to transfer the investigation in Crime No.787 of 2015 on the file of the fifth respondent to the third respondent by considering the representation of the petitioner dated 11.06.2016.

For Petitioner

: Mr. Joseph Thatheous Jerome
for Mr. P. Sivachandran

For Respondents

: Mr. T.S. Mohammed Mohideen,
Additional Government Pleader

O R D E R

The body of one Sakthivel was found beneath the bridge, pursuant to which, on the complaint given by his wife Ganeswari, the fifth respondent police registered a case in Crime No.787 of 2015 on 26.12.2015 under Section 174 of the Code of Criminal Procedure and took up the investigation of the case and not satisfied with the investigation, the petitioner has filed the present Writ Petition for transfer of investigation.

2. Heard Mr. Joseph Thatheono Jerome, learned counsel for the petitioner and Mr. T. S. Mohammed Mohideen, learned Additional Government Pleader for the respondents.

3. The learned Additional Government Pleader submitted that the police have completed the investigation, but, they have not filed the closure report on account of the pendency of this Writ Petition.

4. In view of the above, this Court directs the fifth respondent to complete the investigation and file the necessary report before the Tahsildar, Andipatti. The Tahsildar, Andipatti shall take photocopies of the records and forward the original records to the Jurisdictional Magistrate, viz., Judicial Magistrate, Andipatti. The police shall also serve a copy of the closure report and a copy of the post-mortem report free of cost to the petitioner. Liberty is given to the petitioner to file a protest application before the learned Judicial Magistrate, Andipatti, within two weeks from the date of receipt of the records from the Tahsildar, Andipatti. On such protest application being filed, the same shall be dealt with by the learned Judicial Magistrate, in terms of the law laid down by the Supreme Court in **Vinay Tyagi Vs. State of U.P and Others** reported in **Laws (All)-2010-8-369**.

5. The Writ Petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(A.S)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
The State of Tamil Nadu,
Home & Police Department,
Secretariat,
Chennai.



2. The Superintendent of Police,
Theni District, Theni.

3. The Superintendent of Police,
CBCID, Chennai.

4. The Deputy Superintendent of Police,
Andipatti,
Theni District.

5. The Inspector of Police,
Andipatti Police Station,
Theni District.

Copy to

- (i) The Judicial Magistrate, Andipatti.
- (ii) The Tahsildar, Andipatti.

+1cc to Mr.P. Sivachandran, Advocate Sr.No.59008

SML

VB/KKR/SAR4/13.06.2017/3P/9C

**Order made in
W.P. (MD) No.13405 of 2016
Dated: 07.06.2017**