

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2018

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH

W.P. No.11781 of 2018 & W.M.P. No.13752 of 2018

Jaaveeth Syed

Petitioner

vs.

The Inspector of Police (Crime)
K-3, Aminjikarai Police Station
Chennai 600 029

Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondent to make an application under Section 166-A Cr.P.C. to the concerned Criminal Court, seeking a letter of request to the Competent Authority at Dubai, U.A.E. in connection with the investigation in Cr. No.61 of 2018 pending on the file of the respondent.

For petitioner Mr. Mubarak Ahmad
for M/s. Ahmad Associates
For respondent Mrs. Kritika Kamal P.
Government Advocate (Crl. Side)

ORDER

This writ petition has been preferred seeking a writ of mandamus directing the respondent to make an application under Section 166-A Cr.P.C. to the concerned Criminal Court, seeking a letter of request to the Competent Authority at Dubai, U.A.E. in connection with the investigation in Cr. No.61 of 2018 pending on the file of the respondent.

2 On the complaint lodged by the petitioner, viz., Jaaveeth Syed, the respondent police have registered a case in Cr. No.61 of 2018 on 12.02.2018 under Section 381 IPC @ Sections 381, 406 read with 109 IPC against one Abdul Azeez and the investigation is in progress.

3 It is the case of Jaaveeth Syed that Abdul Azeez who was employed as his car chauffeur, in connivance with his (Jaaveeth Syed's) wife Najmunnisa had removed the household articles to an undisclosed destination from his residence when he (Jaaveeth Syed) was away from the country for quite some time. Concededly, both Abdul Azeez and Najmunnisa were arrested by the police and they are now on bail. Under such circumstances, Jaaveeth Syed has filed the present writ petition seeking the above prayer.

4 It is a trite law that this Court, either in exercise of its powers under Section 482 CrI.P.C. or Article 226 of the Constitution of India, cannot issue a direction to the police as to how they should conduct investigation.

5 In Emperor vs. Khwaja Nazir Ahmed [AIR 1945 PC 18], the role of the police and the judiciary have been clearly defined and this judgment of the Privy Council has been followed by the Supreme Court in several judgments till Shariff Ahmed and others vs. State (NCT of Delhi) [(2009) 14 SCC 184]. The method and manner of investigation is the exclusive prerogative of the police and if after the completion of the investigation, any deficiency is observed, the constitutional Court has the power to order for re-investigation or further investigation and until then, this Court cannot assume the role of a supervisor in police investigation.

Hence, this writ petition fails and is accordingly dismissed. Costs made easy. Connected W.M.P. is closed.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

cad

To

The Inspector of Police (Crime)
K-3, Aminjikarai Police Station
Chennai 600 029.

+ 1 cc to M/s. Ahmad Associates SR.40578
+ 1 cc to the Government Pleader Sr.42322

W.P. No.11781 of 2018

(CS-VII)
EU(09/07/2018)

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