



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2018

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

WP (MD) No.13071 of 2014  
and  
MP (MD) No.1 of 2014

N.Kanagaraj

.. Petitioner

Vs.

1.The Superintendent of Police,  
O/o. the Superintendent of Police,  
Sivagangai District.

2.The Deputy Superintendent of Police,  
CBCID,  
Narimedu,  
Madurai District.

3.The Inspector of Police,  
Salaigramam Police Station,  
Salaigramam,  
Ilayangudi Taluk,  
Sivagangai District,  
Crime No.172 of 2013.

... Respondents

Petition filed under Article 226 Constitution of India to issue a writ of Mandamus directing the first respondent to withdraw the case in Crime No.172 of 2013 on the file of third respondent dated 24.12.2013 and entrust the same to the second respondent for investigation of the case by a competent officer and file final report before the jurisdictional Magistrate.

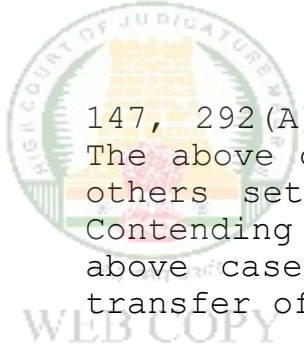
For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mrs.J.Padmavathi Devi  
Special Government Pleader

ORDER

This writ petition has been filed seeking transfer of investigation in respect of Crime No.172 of 2013, pending on the file of the third respondent.

2.According to the petitioner, a case has been registered against the petitioner in Crime No.172 of 2013 on the file of the third respondent police for the offence punishable under Sections



147, 292(A), 436, 506(i) and 307 IPC and Section 3 of TNPPDL Act. The above complaint has been given alleging that the petitioner and others set fire to the shop belongs to the defacto complainant. Contending that the petitioner has been falsely implicated in the above case, the petitioner has filed this writ petition, seeking transfer of investigation to the second respondent, CBCID.

3.The third respondent has filed status report stating that already the criminal case has been investigated and a final report has already been filed on the file of the Judicial Magistrate, Ilayankudi and the matter is now pending for committal proceedings in PRC No.50 of 2017.

4.First of all, the petitioner, being an accused has no right to seek transfer of investigation and the petitioner cannot dictate which agency should conduct investigation. Apart from that, already investigation is over and final report has also been filed. At this stage, the prayer sought in this writ petition cannot be granted. Hence, this writ petition is dismissed. No costs. Consequently, MP(MD)No.1 of 2014 is closed.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

- 1.The Superintendent of Police,  
O/o. the Superintendent of Police,  
Sivagangai District.
- 2.The Deputy Superintendent of Police,  
CBCID,  
Narimedu,  
Madurai District.
- 3.The Inspector of Police,  
Salaigramam Police Station,  
Salaigramam,  
Ilayangudi Taluk,  
Sivagangai District,

+1CC to Mr.T.Lajapathi Roy, Advocate, SR.No. 50019  
+1CC to the Special Government Pleader SR.No.50602

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