



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.01.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P. (MD) No.23950 of 2016

P.Latha

: Petitioner

Vs.

1.The Superintendent of Police,
Madurai Superintendent of Police Office,
Surveyor Colony,
Azhagarkoil Road,
Madurai.

2.The Deputy Superintendent of Police,
Samayanallur Dy. Superintendent of Police Office,
Samayanallur,
Madurai District.

3.The Superintendent of Police,
Central Bureau of Investigation (C.B.I.),
Anti Corruption Branch (ACB),
3rd Floor, Shastri Bhavan, No.26,
Haddaws Road,
Nungambakkam,
Chennai-600 006.

: Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code praying to withdraw the investigation in Crime Nos.257 of 2016, 304 of 2016, 371 of 2016, 258 of 2016 and 577 of 2016 pending on the files of the Deputy Superintendent of Police, Samayanallur, Madurai District and issue a direction, directing the first respondent to transfer the same to the third respondent.

For Petitioner : Mr.G.Thiruvarutselvan

For Respondents 1&2 : Mrs.S.Bharathi,
Government Advocate (Crl.side)For Respondent No.3 : Mr.N.Ashok Kumar Gowtham,
Special Public Prosecutor for CBI Cases

ORDER

On the complaint lodged by the petitioner, a case in Nagamalai Pudukkottai P.S.Crime No.257 of 2016 was registered on 01.05.2016 and after completing the investigation, the police have filed a



9. In State of West Bengal v. Committee For Protection of Democratic Rights [2010(3) SCC 571], the Supreme Court in Paragraph No.70 has held as follows:

"Before parting with the case, we deem it necessary to emphasise that despite wide powers conferred by Articles 32 and 226 of the Constitution, while passing any order, the Courts must bear in mind certain self-imposed limitations on the exercise of these constitutional powers. The very plenitude of the power under the said articles requires great caution in its exercise. Insofar as the question of issuing a direction to CBI to conduct investigation in a case is concerned, although no inflexible guidelines can be laid down to decide whether or not such power should be exercised but time and again it has been reiterated that such an order is not to be passed as a matter of routine or merely because a party has levelled some allegations against the local police. This extraordinary power must be exercised sparingly, cautiously and in exceptional situations where it becomes necessary to provide credibility and instil confidence in investigations or where the incident may have national and international ramifications or where such an order may be necessary for doing complete justice and enforcing the fundamental rights. Otherwise CBI would be flooded with a large number of cases and with limited resources, may find it difficult to properly investigate even serious cases and in the process lose its credibility and purpose with unsatisfactory investigations."

10. In the opinion of this Court, the facts of the case does not warrant investigation by the Central Bureau of Investigation.

11. In such view of the matter, the petition seeking CBI investigation is devoid of merits and accordingly, the same is dismissed.

Sd/-

Assistant Registrar(AS)

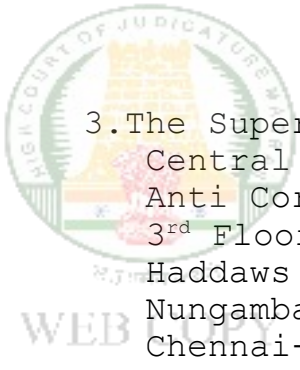
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Sub Assistant Registrar

To

1.The Superintendent of Police,
Madurai Superintendent of Police Office, Surveyor Colony,
Azhagarkoil Road, Madurai.

2.The Deputy Superintendent of Police,
Samayanallur Dy. Superintendent of Police Office,
Samayanallur,
Madurai District.



3.The Superintendent of Police,
Central Bureau of Investigation (C.B.I.),
Anti Corruption Branch (ACB),
3rd Floor, Shastri Bhavan, No.26,
Haddaws Road,
Nungambakkam,
Chennai-600 006.

4.The Special Public Prosecutor for CBI Cases,
Madurai Bench of Madras High Court,
Madurai.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
Crl.O.P. (MD) No.23950 of 2016
Dated:-
25.01.2018

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AM/KKR/SAR 2/06.02.2018/4P/6C