



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 28.08.2018
CORAM :
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

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W.P. (MD) .No.13161 of 2016
and
W.M.P. (MD) .No.9927 of 2016

Dr.A.P.Majeed Khan

... Petitioner

Vs.

1. The Superintendent of Police,
Kanyakumari District, Nagercoil.
2. The Deputy Superintendent of Police,
District Crime Branch,
Kottar, Nagercoil, Kanyakumari District.
3. Mr.Rethnavelu,
Deputy Superintendent of Police,
District Crime Branch, Kottar, Nagercoil,
Kanyakumari District.
4. The Inspector of Police,
District Crime Branch,
Kottar, Nagercoil, Kanyakumari District.
- 5.The Deputy Superintendent of Police,
Organized Crime Unit, CBCID, No.83, 3rd Cross Street,
Vishlakshipuram, Madurai-625 014.

6. M.J.Victor

... Respondents

(Respondent No.6 is impleaded as per the
order of this Court dated 03.08.2016 made
in W.M.P. (MD) .No.10348 of 2016)

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 herein to transfer the investigation in Crime No.Not known of 2016, which is now pending on the file of the respondents 2 to 4 herein based on the complaint given by one M.J.Victor, against the petitioner to the fifth respondent and consequently directing the fifth respondent herein to launch prosecution against the organized criminals namely M.J.Victor and ten others as per the petitioner's complaint dated 02.07.2016 and 21.07.2016 respectively.



For R1 to R5

: Mr.B.Bhagawathi
Government Advocate

For R6

: Mr.G.Mathavan
R.Shyamala

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ORDER

This Writ Petition has been filed seeking for the transfer of investigation which is now pending before the respondents 1, 2 and 4 to the file of the fifth respondent, who is an Organized Crime Unit.

2. The learned Senior counsel appearing for the petitioner would submit that the petitioner is said to have borrowed a sum of Rs.2,00,00,000/- from the sixth respondent, when no such borrowal ever took place. The learned Senior counsel would further submit that in order to substantiate the said borrowal, the sixth respondent has also produced a typed letter which is said to have been sent by the petitioner. Therefore, the learned Senior counsel appearing for the petitioner would further submit that a false letter has been fabricated with an object of extracting money from the petitioner.

3. It is the further submission of the learned Senior counsel appearing for the petitioner that such organized crime regularly takes place throughout South Tamil Nadu and there is only one Organized Crime Unit that is available in Madurai for the entire South Tamil Nadu.

4. However, on instructions, the learned Government Advocate appearing for the respondents 1 to 4 would submit that there are three Organized Crime Units that are available in Madurai, Trichy and Triunelveli.

5. The learned Senior counsel would further submit that two complaints were also given by the petitioner on 02.07.2016 and 21.07.2016 respectively, against the sixth respondent and immediately after giving the third complaint, the sixth respondent along with a group of persons had threatened the petitioner. The respondent Police, instead of proceeding with the investigation, was compelling the petitioner to go to his office and settle the matter with the sixth respondent. It is under these circumstances, the present Writ Petition was filed for a direction to refer all the complaints to the file of the fifth respondent.

6. The learned Government Advocate on instructions would submit that the complaints can be transferred to the fifth respondent and the fifth respondent will investigate all the complaints and file a final report after investigation.



7. The learned counsel appearing for the sixth respondent refuted the allegations made by the learned Senior counsel appearing for the petitioner. However, the learned counsel would submit that he does not have any objection for the complaints being transferred to the file of the fifth respondent.

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8. In view of the above submissions made by the respective counsel, there shall be a direction to the second respondent to transfer all the three complaints (two given by the petitioner and one given by the sixth respondent) to the file of the fifth respondent within a period of two weeks from the date of receipt of a copy of this order. The fifth respondent, on receipt of the transferred complaints, shall immediately commence the investigation and shall complete the investigation as expeditiously as possible and not later than a period of two months from the date on which complaints are received after transfer from the second respondent.

9. It is made clear that the fifth respondent shall strictly act in accordance with the principles as enunciated by the Supreme Court of India in **Lalitha Kumari Vs. Government of Uttar Pradesh** reported in **2013 (6) CTC 353** for the registration of the First Information Report and proceed further and file a final report.

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

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

1. The Superintendent of Police,
Kanyakumari District, Nagercoil.
2. The Deputy Superintendent of Police,
District Crime Branch,
Kottar, Nagercoil, Kanyakumari District.
3. Mr. Rethnavelu, the Deputy Superintendent of Police,
District Crime Branch, Kottar, Nagercoil,
Kanyakumari District.
4. The Inspector of Police,
District Crime Branch,
Kottar, Nagercoil, Kanyakumari District.



5.The Deputy Superintendent of Police,
Organized Crime Unit, CBCID, No.83, 3rd Cross Street,
Vishlakshipuram, Madurai-625 014.

+1cc to Mr.S.Bharathy Kannan, Advocate SR.No.80705

+1cc to Mr.G.Mathavan, Advocate SR.No.80879

+1cc to SPECIAL GOVERNMENT PLEADER, SR.No.81289

TSG

MK/SKN/SAR 4/31.08.2018/4P/9C

W.P. (MD) .No.13161 of 2016
28.08.2018