

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.1704 of 2019

And

W.M.P.No.1898 of 2019

M.R.Saravanan

... Petitioner

Vs.

1.The Commissioner of Police,
E.V.K.Sampath Salai,
Veppery,
Chennai.

2.The Inspector of Police,
S7-Madipakkam Police Station,
Keelkatalai,
Chennai.

3.The Superintendent of Police (ACB),
Central Bureau of Investigation,
Shastri Bhavan
11, Haddows Road,
Nungambakkam,
Chennai.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to handover the investigation to the 3rd respondent on the basis of the FIR registered by the 2nd respondent in FIR No.379/2018 dated 04.07.2018.

For Petitioner : Mr.R.Ramanlal

For Respondents: Mr.C.Iyyapparaj for R1 and R2
Additional Public Prosecutor
Mr.K.Srinivasan for R3
Special Public Prosecutor (CBI)

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus to handover the investigation to the third respondent on the basis of the FIR registered by the second respondent in FIR No.379 of 2018, dated 04.07.2018.

2.Heard the arguments advanced on either side.

3.The case of the petitioner is that the petitioner gave complaint to the first respondent on 03.03.2016 against one T.K.M.Chinnaiya, who was the then Minister and one Venkataraman, who was the then MLA. Since the same was not properly investigated, the petitioner filed Crl.O.P.No.17097 of 2017 before this Court and this Court vide order dated 23.08.2017 allowed the criminal original petition with certain directions including the direction to the respondents therein to register the complaint if the information received discloses commission of cognizable offence.

4.It is the further case of the petitioner that enraged over the above, the said persons entered into criminal animosity against the petitioner and gave constant life threat to the petitioner. Hence, the petitioner gave a complaint to the Director General of Police on 16.06.2018. Thereafter at the instigation of the said persons an attempt was made by some persons to murder the petitioner. Hence, the petitioner's wife gave a complaint and accordingly, a case was registered in FIR No.379 of 2018, dated 04.07.2018. Since the petitioner is not satisfied with the investigation carried out by the law enforcing agency, he has filed the present petition.

5.The learned counsel appearing for the petitioner would submit that the petitioner made allegation against the Ex-Minister and Ex-MLA, however, their names were not impleaded in the FIR. Since Ex-Minister and Ex-MLA are involved in the present case, this Court may issue direction to transfer the case to CBI.

6.The learned Additional Public Prosecutor appearing for the respondents 1 and 2 would submit that the investigation is proceeding in a proper manner. He would further submit that if at all the petitioner have any grievance, it shall be ventilated before the Court after filing of charge sheet.

7.The learned Additional Public Prosecutor would further submit that the petitioner can also join with the investigation by placing relevant materials before the law enforcing agency and if any record is produced by the petitioner before the law

enforcing agency, the same will be taken into consideration by the law enforcing agency. Without doing so, the petitioner approaching this Court by way of writ petition is pre-mature one. Accordingly, he prayed for dismissal of the writ petition.

8.The petitioner has made allegation against the Ex-Minister and Ex-MLA. Hence, rendering any opinion by this Court, will affect the investigation. However, liberty is granted to the petitioner to produce the relevant materials before the Investigating Officer. The Investigating Officer shall consider the materials produced by the petitioner.

9.Further, this Court is inclined to issue direction to the Deputy Commissioner of Police, St.Thomas Mount, Chennai, to monitor the investigation in FIR No.379 of 2018, dated 04.07.2018 on the file of the second respondent. Under the supervision of the Deputy Commissioner of Police, St.Thomas Mount, Chennai, the second respondent shall conduct the investigation, complete the same and file charge sheet before the competent Court, within a period of three months from the date of receipt of a copy of this order.

10.The writ petition is accordingly disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

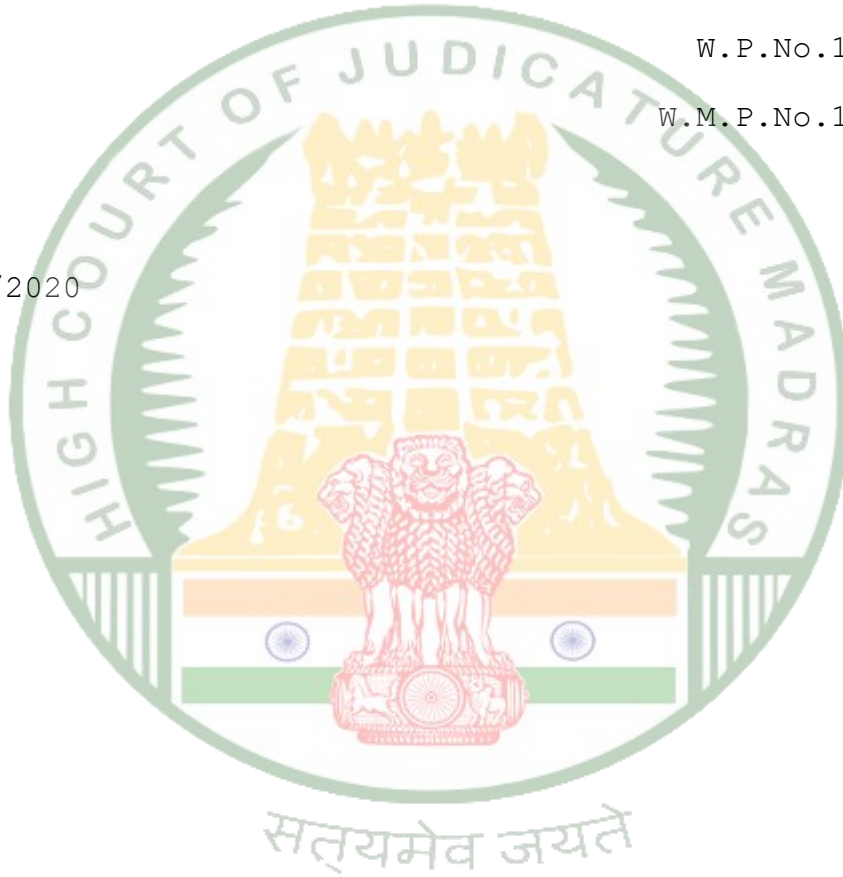
- 1.The Commissioner of Police,
E.V.K.Sampath Salai,
Veppery,
Chennai.
- 2.The Deputy Commissioner of Police,
St.Thomas Mount,
Chennai.
- 3.The Inspector of Police,
S7-Madipakkam Police Station,
Keelkatalai,
Chennai.

4.The Superintendent of Police (ACB),
Central Bureau of Investigation,
Shastri Bhavan
11, Haddows Road,
Nungambakkam,
Chennai.

+lcc to Mr.R.Ramanlal, Advocate Sr.102385

W.P.No.1704 of 2019
And
W.M.P.No.1898 of 2019

vd[co]
srg 10/02/2020



WEB COPY