

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated :: 30.01.2019
CORAM:
THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No.35899 OF 2005

K. KANNIAPPAN

... petitioner

Vs

1 THE STATE OF TAMILNADU
REP. BY ITS SECRETARY TO GOVERNMENT HOME
DEPARTMENT FORT ST. GEORGE CHENNAI-9.

2 THE COMMISSIONER OF POLICE
EGMORE CHENNAI-8.

3 THE ASSISTANT COMMISSIONER
OF POLICE OLD WASHERMENPET CHENNAI-21.

4 THE INSPECTOR OF POLICE H-1
OLD WASHERMENPET POLICE STATION
CHENNAI-21.

... Respondents

Writ Petition filed under Art.226 of the Constitution of India praying for a Writ of Mandamus directing the respondents 1 and 2 to transfer the investigation in Crime No.885 of 2005 on the file of the fourth respondent to CB CID Chennai for an impartial investigation to recover the amount of Rs.20 00 000/- from the respondents 3 and 4 and the accused.

For petitioner ... Mr.V.Chandrakanthan

For respondents ... Mr.G.B.Rajesh, Government Advocate

O R D E R

The relief sought for is to direct the respondents 1 and 2 to transfer the investigation in Cr.No.885 of 2005 on the file of the fourth respondent to CB CID, Chennai.

2. It is an undisputed fact that a criminal complaint was registered pursuant to the complaint given by the writ petitioner in relation to the theft committed by some persons. The writ petitioner lost a huge sum of Rs.20 lakhs on account of the offence of theft and the petitioner states that investigation was not conducted properly by the investigating officials and therefore, he was constrained to file the present writ petition for transfer of investigation to other agency viz., CB CID.

3. The learned counsel for the petitioner now made a submission that a portion of the amount, to the tune of Rs.4,40,000/- has already been recovered from the accused persons and on account of efflux of time, this court is of the opinion that no purpose would be served in the event of transferring the investigation to CBCID. However, it is made clear that the investigating officials are bound to continue investigation in a serious manner and make attempt to recover the stolen materials or objects. The writ petitioner is also at liberty to pursue the criminal case as a defacto complainant and with this liberty, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1 THE SECRETARY TO GOVERNMENT
HOME DEPARTMENT
FORT ST. GEORGE CHENNAI-9.
- 2 THE COMMISSIONER OF POLICE
EGMORE CHENNAI-8.
- 3 THE ASSISTANT COMMISSIONER
OF POLICE OLD WASHERMENPET CHENNAI-21.
- 4 THE INSPECTOR OF POLICE H-1
OLD WASHERMENPET POLICE STATION
CHENNAI-21.

+1cc to Government Pleader sr.no.8187

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nr 14/03/2019