

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.01.2019

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.2578 of 2013

M/s.Asian Jewellers,
No.33, NSC Bose Road,
Chennai - 600 001.
Represented by its Partner
Mr.H.M.Nazar

.. Petitioner

Vs

1. The Inspector of Police,
C-1, Flower Bazar Police Station,
Chennai - 600 001.
2. The Commissioner of Police,
Greater Chennai Police,
Egmore, Chennai - 600 008.
3. The Director General of Police,
Dr.Radhakrishnan Salai,
Chennai - 600 004.
4. The Joint Director,
Central Bureau of Investigation,
Shastri Bhavan, College Road,
Nungambakkam,
Chennai - 600 034.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of writ of mandamus, directing the respondents 1 to 3 to transfer the case in respect of Crime No.2445/1995 on the file of the 1st respondent on 25.12.1995 along with the entire documents and records to the officers of the 4th respondent immediately and to file a report before this Court within a stipulated time.

For Petitioner : Mr.M.Abdul Nazeer

For Respondents: Mr.R.Ravichandran,
Government Advocate (Crl.side)

Mr.K.Srinivasan, for R4
Special Public Prosecutor for CBI Cases

O R D E R

This writ petition has been filed for issuance of writ of mandamus, directing the respondents 1 to 3 to transfer the case in respect of Crime No.2445/1995 on the file of the 1st respondent on 25.12.1995 along with the entire documents and records to the office of the 4th respondent and to file a report before this Court.

2.The case of the petitioner is that during the year 1995, 11.5 kgs of gold had been stolen. Immediately, thereafter, the petitioner lodged a complaint before the first respondent police thereby, a case has been registered in Crime No.2445/1995 and the law enforcing agency did not conduct investigation in a proper manner. In the earlier occasion, the petitioner filed a Crl.O.P.No.27475 of 2006 before this Court with the very same prayer and this Court by its order dated 16.11.2006, dismissed the petition with liberty that if, any materials are made available in the future, the investigating agency may pursue further by way of further investigation. Thereafter, the petitioner came to know that the similar type of theft was committed in several places.

3.On a perusal of the news paper reports and on seeing T.V news, the petitioner made a further representation on 24.01.2010. Thereafter, he filed the present writ petition with the very same prayer.

4.The learned counsel for the petitioner would submit that though this Court dismissed Crl.O.P.No.27475 of 2006 on 16.11.2006, thereafter, the similar type of theft was committed by accused in different places. On seeing the news papers and T.V news, the petitioner made representation on 24.01.2010. Since no action was taken on the representation, the petitioner has filed the present petition.

5.The learned Government Advocate (Crl.side) appearing for the respondents would submit that in the earlier occasion this Court dismissed the very same prayer with liberty that if any materials are available, the investigating agency may proceed further by way of investigation. However, till date, no materials were traced for pursuing further.

6. So, in view of the above, I am not inclined to grant the prayer of the petitioner. However, I am inclined to direct the first respondent/The Inspector of Police to consider the representation and pass appropriate orders. For ready reference, the petitioner is directed to send a copy of the representation along with the order copy to the first respondent/The Inspector of Police and first respondent has to pass appropriate orders as expeditiously as possible.

7. With the above directions, the writ petition is disposed of. No costs.

AT

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Inspector of Police,
C-1, Flower Bazar Police Station,
Chennai - 600 001.
2. The Commissioner of Police,
Greater Chennai Police,
Egmore, Chennai - 600 008.
3. The Director General of Police,
Dr. Radhakrishnan Salai,
Chennai - 600 004.
4. The Joint Director,
Central Bureau of Investigation,
Shastri Bhavan, College Road,
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Chennai - 600 034.

+1cc to Mr. M. Abdul Nazeer, Advocate, S.R.No. 7367

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RSI (CO)
kak (26/02/2019)