

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.04.2019

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.8731 of 2019

K. Vinoth Kumar

... Petitioner

-VS-

State by:

1.The Director General of Police,
Tamil Nadu, Chennai - 600 004.

2. Superintendent of Police,
Dharmapuri District,
Dharmapuri.

3. Inspector of police,
Pennagaram Police Station,
Pennagaram, Dharmapuri District - 636 810.

4. Sub-Inspector of Police,
Pennagaram Police Station,
Pennagaram,
Dharmapuri District - 636 810.

... Respondents

Prayer:- Writ petition is filed under Section 226 of the Constitutional of India to issue a writ of Mandamus directing the Respondents 1 and 2 to change the investigation to any other competent agency who will not be influenced by any highly placed politicians, to register and investigate the case further and submit final report within a time frame.

For Petitioner : Mr. K.M.Ramesh
For Respondents -1 - 4 : M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This Writ petition has been filed for a Writ of Mandamus directing the Respondents 1 and 2 to change the investigation to any other competent agency who will not be influenced by any highly placed politicians, to register and investigate the case further and submit final report within a time frame.

2. Heard the learned counsel for the petitioner and the learned counsel Additional Public Prosecutor appearing for the respondents and perused the records carefully.

3.It is stated that on the complaint of the petitioner in Crime No.35 of 2015 under Section 174 Cr.P.C. on the file of Inspector of Police, Pennagaram Police Station, Pennagaram, Dharmapuri District, the investigation has been completed and third respondent has also filed the final report before the Tahsildar. While pursuing the records, it is seen that it is not appropriate for the third respondent to file final report before the Tahsildar in Crime No.35 of 2018 while the case has been registered under Section 174 Cr.P.C. Further, It has to be filed before Judicial Magistrate Concerned.

4. Under the circumstances, the third respondent is directed to file a final report along with all the documents before concerned Jurisdiction Magistrate within two weeks from the date of receipt of copy of this order after serving notice to the de-facto complainant namely, the writ petitioner herein. On receipt of the same, the petitioner is directed to file objection before Judicial Magistrate concerned. On receipt of the same, the learned Judicial Magistrate shall conduct enquiry and pass an appropriate orders on merits within four weeks from the date of receipt of the objection.

5. Accordingly, the writ petition stands disposed of with the above direction.

03.04.2019

lbm

Internet: Yes

Index : Yes/No

Speaking/Non speaking order

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G.K.ILANTHIRAIYAN.J.,

lbm

To

- 1.The Director General of Police,
Tamil Nadu, Chennai - 600 004.
2. Superintendent of Police,
Dharmapuri District, Dharmapuri.
3. Inspector of police,
Pennagaram Police Station,
Pennagaram, Dharmapuri District - 636 810.
4. Sub-Inspector of Police,
Pennagaram Police Station,
Pennagaram, Dharmapuri District - 636 810.
- 5.The Public Prosecutor,
High Court of Madras,
Chennai

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सत्यमेव जयते

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