

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 06.03.2019

CORAM:
THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.3845 of 2016
and W.M.P.No.3218 of 2016

K.Venkatesan

... Petitioner

Vs.

- 1.Director General of Police,
Tamil Nadu Police Service,
Office of the Director General of Police,
Post Box No.601, Dr.Radhakrishnan Salai,
Chennai - 600 004.
- 2.Inspector General of Police,
North Zone, M.K.N. Road,
Alandur, Chennai - 600 006.
- 3.District Superintendent of Police,
Office of the District Superintendent of Police,
Cuddalore - 2.
- 4.Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Naively Township.
- 5.Inspector of Police,
Naively Township Police Station,
Naively, Cuddalore District.
- 6.Sub-Inspector of Police,
Naively Township Police Station,
Naively, Cuddalore District.
- 7.Regional Director,
Delhi Special Police Establishment,
(CBI). Special Crime Branch,
Chennai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a WRIT OF MANDAMUS, directing to transfer the Investigation of the case registered in Crime No.12 of 2016 of Neiveli Town Police Station, and transfer to any other agency like CBI without involving the 4th and 5th respondents, who are biased towards petitioner pursuant to his representation dated 12.01.2016.

For Petitioner : Mr.S.Sundaresan

For Respondents: Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

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O R D E R

This Writ Petition is filed for directing the respondents to transfer the Investigation of the case registered in Crime No.12 of 2016 of Neiveli Town Police Station, and transfer to any other agency like CBI without involving the 4th and 5th respondents, who are biased towards petitioner pursuant to his representation dated 12.01.2016.

2.The learned counsel for the petitioner submitted that the petitioner is working as Assistant Personal Officer in Neiveli Lignite Corporation Township Administration and he received a sum of Rs.4,50,000/- at the rate of 36% per annum on five instalments from 2010 to 2012 from one Mr.S.Jayapal, S/o. Sigamani, who is also working in Neiveli Lignite Corporation in NLC Mine 1 in electrical maintenance Division after executing blank unfilled, undated pronotes, cheques and Bond papers and his ATM Card to facilitate the said Jayapal to withdraw money towards the discharge of his loan every month. The entire loan was discharged by paying nearly Rs.8,50,000/- towards the same. When he contacted the said Jayapal after the discharge of the entire loan to return his documents and ATM card, since the entire loan has been discharged, but Mr.Jayapal and his wife Jayanthi further demanded a sum of Rs.5,50,000/- towards the loan by stating that they are discharging exorbitant interest at the rate of 120% per annum and the amounts so far paid were adjusted only towards interest.

3.The learned counsel for the petitioner further submitted that on 06.01.2016, the said Jayapal and his wife along with their henchmen attempted to attack the petitioner by deadly weapons. Hence, he preferred a complaint before the fourth and fifth respondents on 06.01.2016 itself to take appropriate action against the said persons to recover his car and documents and his ATM card from them. Strangely, the Station House officer namely one Mrs. Viji, who refused to receive the complaint and threatened the petitioner to go away from the Police Station and refused to register any complaint and not even given any CSR copy. This forced the petitioner to send a complaint on 07.01.2016 through registered post to respondent Nos.1 to 4, due to the failure on the part of the fifth respondent from registering FIR. Hence, the petitioner made a representation to the respondent Nos.1 to 4 and also various

authorities on 12.01.2016 to transfer the case from the fourth and fifth respondents to some other agency and conduct the enquiry afresh by registering a proper FIR on the petitioner's complaint dated 06.01.2016. Thereafter, the petitioner came to understand that the fifth respondent police had filed the impugned FIR under Section 294 (b) and 506 Part 1 with a view to help the accused and escape from the wrath of higher officials by forging the signature of the petitioner. Hence, he filed the above writ petition seeking direction to transfer the investigation to any other agency.

4.Heard Mr.S.Sundaresan, learned counsel for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor.

5.Considering the above facts and circumstances of this case, without going into the merits of the case, this Court is not inclined to transfer the investigation. However, this Court is inclined to direct the fifth respondent to complete the investigation pertaining to the Crime No.12 of 2016 and filed a final report, within a period of three months from the date of receipt of a copy of this order and the fourth respondent is directed to monitor the investigation and also ensure that the fifth respondent has to complete the investigation, within a period of three months.

6.Accordingly, the Writ Petition stands disposed of with the above directions. However, there shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Insp.Cell)

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Sub Assistant Registrar

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- 8.The Public Prosecutor,
High Court, Madras.

W.P.No.3845 of 2016

SKV(CO)

RRS (03/05/2019)