

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2019

CORAM

THE HON'BLE Mr. JUSTICE M.DHANDAPANI

W.P.No.12848 of 2014

and

MP.No.1 of 2014 & WMP.No.29090 of 2019

B.Bharathi

... Petitioner

vs.

1.The Commissioner of Police,
Chennai City,
E.V.K. Sampath Road,
Vepery, Chennai - 600 007.

2.The Deputy Commissioner of Police,
Central Crime Branch,
Office of the Commissioner of Police,
E.V.K. Sampath Road, Vepery,
Chennai - 600 007.

3.The Assistant Commissioner of Police,
Antidowry Cell,
Gremes Road,
Thousand Light,
Chennai - 600 006.

4.The Inspector of Police,
All Women Police Station 7,
Anna Nagar, Chennai - 600 020.

5.The Home Secretary,
Chief Secretariat,
St. George Fort,
Chennai - 600 009.

6.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai - 600 004.

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus or any other appropriate Writ, Order or Direction in the nature of Writ directing the fifth respondent/ Home Secretary and sixth respondent/ Director General of Police to transfer the criminal case FIR No.09/08, All Women Police Station 7, Anna Nagar, Chennai to the Central Bureau of Investigation to conduct further investigation into the charges against all the accused of FIR.09/08, AWPS 7, Anna Nagar, Chennai CC.No.2253 of 2009, Chief Metropolitan Magistrate, Egmore taking them into police custody and investigation into the illegal acts of their associates mentioned above by registering a Fir against them by competent and honest police officials of Central Bureau of Investigation or any other State Police Officials in the Petitioners presence and to direct the Home Secretary/ fifth respondent to pay a compensation of not less than ten crores of rupees to the petitioner and his family for the reasons stated above.

For Petitioner : Mr.B.Bharathi, Party-in-person

For Respondents: Mr.C.Iyyapparaj,
Additional Public Prosecutor

O R D E R

This Writ Petition has been filed by the petitioner seeking a Writ of Mandamus directing the fifth respondent/ Home Secretary and sixth respondent/ Director General of Police to transfer the criminal case FIR No.09/08, All Women Police Station 7, Anna Nagar, Chennai to the Central Bureau of Investigation to conduct further investigation into the charges against all the accused of FIR.09/08, AWPS 7, Anna Nagar, Chennai CC.No.2253 of 2009, Chief Metropolitan Magistrate, Egmore taking them into police custody and investigation into the illegal acts of their associates mentioned above by registering a FIR against them by competent and honest police officials of Central Bureau of Investigation or any other State Police Officials in my presence and to direct the Home Secretary/ fifth respondent to pay a compensation of not less than ten crores of rupees to the petitioner and his family for the reasons stated above.

2. The party-in-person appeared before this court for his daughter viz., B.Abirami, who filed a complaint before the 4th respondent All Women Police Station, Anna Nagar, Chennai for matrimonial issue. The Station House Officer registered the complaint in FIR.No.9/2008 and no further action was taken against the accused therein. The Station House Officer acted in

favour of the accused therein and thereby investigation was conducted and charge sheet was filed in CC.No.2253 of 2009 and the same is pending before the Chief Metropolitan Magistrate, Egmore. Aggrieved by the same, seeking proper investigation, the petitioner had filed this Writ Petition before this court with the aforesaid prayer.

3. The party-in-person who appeared before this court would submit that already the petitioner filed a petition for further investigation before the trial court in CMP.No.1852 of 2019 and the same was dismissed on 25.09.2019. Aggrieved by the said order, the petitioner had filed a Crl.O.P.Sr.No.49964 of 2019 before this court. However, one part of the prayer has already become infructuous.

4. The learned Additional Public Prosecutor on instructions would submit that the petitioner may be permitted to file an application before the Deputy Commissioner Mrs.Jeyalakshmi and the grievance of the petitioner can be looked into by the Deputy Commissioner Mrs.Jeyalakshmi and if the complaint shows any cognizable or any material, the Deputy Commissioner will consider the issue in accordance with law and she will pass appropriate order in the manner known to law.

5. Considering the aforesaid submissions, I am inclined to grant permission to the petitioner to file a petition before the Deputy Commissioner Mrs.Jeyalakshmi, if any such petition is received by the Deputy Commissioner Mrs.Jeyalakshmi, she shall consider the same and conduct preliminary enquiry and pass appropriate orders on merits and in accordance with law within a period of two (2) weeks thereafter.

6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are also closed.

सत्यमेव जयते

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Commissioner of Police,
Chennai City, E.V.K. Sampath Road,
Vepery, Chennai - 600 007.
 - 2.The Deputy Commissioner of Police,
Central Crime Branch,
Office of the Commissioner of Police,
E.V.K. Sampath Road, Vepery, Chennai - 600 007.
 - 3.The Assistant Commissioner of Police,
Antidowry Cell, Gremes Road,
Thousand Light, Chennai - 600 006.
 - 4.The Inspector of Police,
All Women Police Station 7,
Anna Nagar, Chennai - 600 020.
 - 5.The Home Secretary, Chief Secretariat,
St. George Fort, Chennai - 600 009.
 - 6.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 600 004.
- +1cc to M/s.B.Bharathi, Advocate Sr.103243

bp[col]
srg 10/02/2020

W.P.No.12848 of 2014

WEB COPY