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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2019

CORAM

THE HON'BLE Mr. JUSTICE M.DHANDAPANI

W.P.Nos.6320 and 6325 of 2014
and

WMP.Nos.28236, 28242 & 28694 of 2019

W.P.No.6320 of 2014

B.Bharathi

... Petitioner

vs.

- 1.The Inspector of Police,
CBCID, 2nd Cross Street, Iyyanar Nagar,
Orleanpet, Puducherry.
- 2.The Superintend of Police,
Crime Investigation Department,
Dumas Street, Government of Puducherry,
Puducherry - 605 001.
- 3.The Director General of Police/ Inspector General of Police,
Dumas Street, Government of Puducherry,
Puducherry - 605 001.
- 4.The Chief Secretary,
Representing Government of Puducherry,
Chief Secretariat, Puducherry - 605 001.

... Respondents

Prayer in W.P.No.6320 of 2014: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus or any other appropriate Writ, order or Direction in the nature of Writ calling for the records on the file of the first respondent relating to the complaints of the petitioner and FIR filed (06/2013) which is in the custody of the first respondent and direct the first respondent to include all the appropriate sections of IT Act 2000 in the FIR in accordance with the provisions of IT Act, directing the third



respondent and fourth respondent to transfer the case to the Cyber crime cell of the Central Bureau of Investigation or any other Central/ State Cyber Crime Cell which is having the facility for further investigation under my supervision and to take appropriate departmental and legal action against the first and second respondents and consequently direct the fourth respondent representing the Government of Puducherry to pay a compensation of a sum of not less than Rupees one crore or such other higher amount which this Hon'ble Court deems fit and proper to the petitioner for the harassment, mental agony, suppression of my fundamental rights, denial of fair enquiry, denial of justice, not treating the petitioner with dignity, denial of equality before law and financial loss caused to the petitioner due to the delay in filing FIR, not conducting investigation for the two years and not taking action without due process of law by the first and second respondent.

W.P.No.6325 of 2014

B.Bharathi

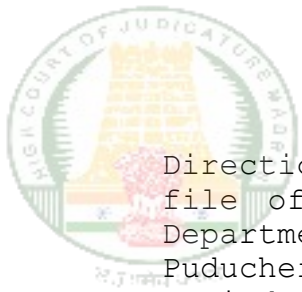
... Petitioner

vs.

- 1.The District Collector cum District Magistrate,
Puducherry, 1st Floor, Revenue Complex,
Saram, Puducherry - 605 013.
- 2.The Superintend of Police (North),
Jawaharlal Nehru Street,
Puducherry - 605 001.
- 3.The Circle Inspector of Police,
Lawspet Circle, Lawspet,
Puducherry - 605 008.
- 4.The Inspector General of Police,
Director General of Police,
Dumas Street, Government of Puducherry,
Puducherry - 605 001.
- 5.The Chief Secretary cum Home Secretary,
Government of Puducherry,
Chief Secretariat, Puducherry - 605 001.

... Respondents

Prayer in W.P.No.6325 of 2014: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus or any other appropriate Writ, order or



Direction in the nature of Writ calling for the records on the file of the first respondent in his order No.4613/Rev/B2G/12, Department of Revenue and Disaster Management, Government of Puducherry dated 31.05.2012 based on my complaint and other reminders and direct the fourth and fifth respondents to initiate appropriate legal and departmental enquiry against the second and third respondents for not registering the FIR in response to the order of the first respondent who is the District Magistrate of Puducherry District and to direct the fifth respondent to initiate the legal and departmental action against the first respondent for withdrawing his order and put the petitioner into mental suffering and to grant and pay the petitioner a compensation of one crore or such other amount which the Hon'ble Court deems fit and proper to the petitioner for the harassment, mental agony, curtailment of his fundamental rights, denial of equality before law, discrimination based on caste, region, status and financial loss caused to the petitioner.

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

For Respondents : Mr.D.Bharathachakravathy,
Public Prosecutor (Pondy)

O R D E R

The party-in-person appeared before this court and submitted that earlier a complaint filed by him was registered by the CBCID in FIR No.6 of 2013 for the offence under Section 66C of IT Act. After investigation that case was referred as action dropped on 30.06.2016 vide final report No.3 of 2016 before the learned Judicial Magistrate - II, Puducherry, in which the petitioner also filed a protest petition and the same is pending now. He had made the following endorsement to permit the petitioner to pursue the protest petition before the learned Judicial Magistrate-II and this court may issue a direction to pass appropriate orders on the protest petition filed by him in accordance with law:

"I will pursue the protest petition before the Hon'ble Chief Judicial Magistrate, Puducherry and so, I withdraw the W.P.Nos.6320 and 6325 of 2014. I also request this Hon'ble Court to issue proper direction to complete the protest petition and pass orders within a stipulated time."

2. In view of the above submissions and endorsement made by the petitioner, I am inclined to direct the learned Chief Judicial Magistrate, Puducherry to pass appropriate orders in



the protest petition within a period of six (6) weeks from the date of receipt of a copy of this order.

3. With the above directions, these Writ Petition are disposed of. No costs. Consequently, the connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

- 1.The Inspector of Police,
CBCID, 2nd Cross Street, Iyyanar Nagar,
Orleanpet, Puducherry.
- 2.The Superintend of Police,
Crime Investigation Department,
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Puducherry - 605 001.
- 3.The Director General of Police/ Inspector General of Police,
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Puducherry - 605 001.
- 4.The Chief Secretary,
Representing Government of Puducherry,
Chief Secretariat, Puducherry - 605 001.
- 5.The District Collector cum District Magistrate,
Puducherry, 1st Floor, Revenue Complex,
Saram, Puducherry - 605 013.
- 6.The Superintendent of Police (North),
Jawaharlal Nehru Street,
Puducherry - 605 001.
- 7.The Circle Inspector of Police,
Lawspet Circle, Lawspet,
Puducherry - 605 008.
- 8.The Inspector General of Police,
Director General of Police,
Dumas Street, Government of Puducherry,
Puducherry - 605 001.



9.The Chief Secretary cum Home Secretary,
Government of Puducherry,
Chief Secretariat, Puducherry - 605 001.

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10.The Chief Judicial Magistrate,
Puducherry.

+lcc to M/s.B.Bharathi, Petitioner in person Sr.103244
+lcc to the Public Prosecutor for Puducherry, Sr.103304

W.P.Nos.6320 and 6325 of 2014

pm[co]
srg 28/01/2020