



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **09.09.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **R.PONGIAPPAN**

W.P. (MD)No.11268 of 2020

and

W.M.P. (MD) .Nos.9840 & 9841 of 2020

WEB COPY

S.Andrew Chandrakumar

... Petitioner

Vs.

1.The Inspector General of Police,
South Zone, Madurai.

2.The Superintendent of Police,
Thoothukudi District, Thoothukudi.

3.The Deputy Superintendent of Police,
Thoothukudi Sub-Division,
Thoothukudi.

4.The Inspector of Police,
North Police Station, Thoothukudi.

5.The Inspector of Police,
South Police Station,
Thoothukudi.

... Respondents

PRAYER : This Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned closure report of the fifth respondent dated 01.06.2016, in Crime No.448 of 2015, on the file of the fifth respondent, quash the same and consequently direct the fifth respondent to conduct fresh investigation in Crime No.448 of 2015, under the supervision of the first respondent.

For Petitioner : Mr.M.Saravanan

For Respondents : Mr.S.Chandrasekar

Additional Public Prosecutor

O R D E R

The present Writ Petition has been filed seeking for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned closure report of the fifth respondent dated 01.06.2016, in Crime No.448 of 2015, on the file of the fifth respondent and to quash the same and consequently direct the fifth respondent to conduct a fresh investigation in Crime No.448 of 2015,



under the supervision of the first respondent.

2. The grievance of the petitioner is that in earlier, the fourth respondent herein registered a case against one of the petitioner's co-worker by name Raja, in Crime No.941 of 1993, for the offence punishable under Section 306 of I.P.C., and in connection with the said case, the said Raja was arrested and remanded to judicial custody, whereby, on 03.09.1993, he was suspended by the Management. On 27.03.1996, the said Raja made a representation to the Chief Educational Officer, Thoothukudi, as if further action against him in the case in Crime No.941 of 1993 was dropped and requested the Chief Educational Officer to release his service benefits, which were withheld. Subsequently, he got those benefits, for which, the petitioner preferred a complaint against him before the fifth respondent Police and the same was registered in Crime No.448 of 2015, for the offence punishable under Sections 468 of I.P.C. on 30.05.2015. Though the case has been registered upon the complaint given by the petitioner, the fifth respondent has not shown any interest to investigate the above said case. In this regard, a representation given by the petitioner to the second respondent on 03.08.2015, seeking to transfer the investigation was also kept in a cold storage. Now only, the petitioner came to know that the fifth respondent herein prepared a final report as further action dropped in Crime No.448 of 2015 and the same has been known by the petitioner by filing an application under the Right to Information Act. On 22.10.2018, when the quash petition filed by the Accused namely, Raja came up for hearing, the learned Government Advocate (Criminal side) had represented that the investigation was almost over and considering the same, this Court dismissed that quash petition.

3. On reading of the First Information Report, it shows that there are serious allegations levelled against the accused viz., Raja. Therefore, it cannot be closed on its threshold. Though the petitioner has produced the relevant documents before the fifth respondent, without considering the same, the fifth respondent came to the conclusion that due to some delay, he is unable to get copy of the original documents, which are necessary to complete the investigation. Therefore, only by saying the above said reason, the fifth respondent Police had prepared the final report as "further action dropped". Accordingly, he prayed to allow the Writ Petition filed by him.

4. Per contra, the learned Additional Public Prosecutor appearing for the respondent Police, on instructions, would submit that if documents, which are necessary for completing the investigation are available in the custody of the petitioner, the fifth respondent is ready to conduct a fresh investigation and therefore, further order in this Writ Petition is not necessary.



5. Upon considering the arguments advanced by the learned counsel appearing on either side, it is not in dispute that the investigation officer has stated that the documents, which are necessary to complete the investigation is a very old one, and also the Authority concerned has stated as no such document is available with him in response to his letter, and only in the said circumstances, the fifth respondent came to the conclusion as further investigation is not necessary in this case. Now, on considering the facts and circumstances of the case and the submissions of the learned counsel appearing for the petitioner that he is having the necessary documents for completing the investigation, it would appropriate to pass the following order to redress the grievance addressed by the petitioner.

"The petitioner is directed to appear before the fifth respondent on 25.09.2020 with the relevant records. Upon receipt of the documents, which are having by the petitioner, the fifth respondent is directed to conduct a fresh investigation in respect to the Crime No.448 of 2015 and file a final report as early as possible in accordance with law."

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

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Tsg

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Inspector General of Police,
South Zone, Madurai.

2.The Superintendent of Police,
Thoothukudi District, Thoothukudi.

3.The Deputy Superintendent of Police,
Thoothukudi Sub-Division, Thoothukudi.

<https://hcservices.hccourts.gov.in/hcservices/>



4.The Inspector of Police,
North Police Station, Thoothukudi.

5.The Inspector of Police,
South Police Station,
Thoothukudi.

6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
W.P. (MD) No.11268 of 2020
Dated:
09.09.2020

AP(17/09/2020) 4P 7C