

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 12.02.2021
CORAM
THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH
WP No. 2503 of 2021
and WMP Nos. 2821 & 2823 of 2021

S.Abirami

... Petitioner

vs.

1. The Director General of Police,
Tamil Nadu Police Department, Chennai.
2. The Inspector General of Police,
North Zone, St.Thomas Mount,
Alandur, Chennai.
3. The Deputy Inspector General of Police,
Kanchipuram Range, Kanchipuram.
4. The District Superintendent of Police,
Kanchipuram District.
5. The Deputy Superintendent of Police,
Kanchipuram.
6. The Inspector of Police,
Baluchettichatiram Police Station,
Kanchipuram.
7. The Inspector of Police,
B1-Sivakanchi Police Station,
Kanchipuram.
8. Mr.Vinoth Kumar,
The Sub Inspector of Police,
B1-Sivakanchi Police Station,
Kanchipuram.

... Respondents

* R1 to R3 deleted vide order dated 08.02.2021 made in
WP No.2503 of 2021 by NAVJ

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents herein to transfer the case in Crime No.220 of 2021 on the file of seventh respondent herein to any other investigating agency.

For Petitioner : Mr.R.Shanmugasundaram, SC
for M/s.V.Purushothaman

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

O R D E R

This Writ Petition has been filed seeking to transfer the investigation pending in Crime No.220 of 2021 on the file of the seventh respondent.

2. The case of the petitioner is that her husband is actively involved in social and political activities. It is further alleged that there is a prior enmity between the husband of the petitioner and the seventh respondent and several cases were foisted against him. An incident took place on 30.01.2021, wherein police protection was sought for to conduct a Temple festival. There was some misunderstanding that took place during the meeting. Subsequently, an FIR came to be registered in Crime No.220 of 2021 by the seventh respondent for an offence under Section 8 (c) and 20 b (ii) (B) of the Narcotics Drugs and Psychotropic Substances Act, 1985.

3. According to the petitioner, this is a put up case against her husband and it is the direct result of the earlier meeting that took place in the Police Station on 30.01.2021. According to the petitioner, the CCTV footage will clearly reveal the actual happenings and the same has to be preserved and the further investigation must be continued by some other agency.

4. Heard Mr.R.Shanmugasundaram, learned Senior Counsel appearing for M/s.V.Purushothaman, for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing for the respondents.

5. Mr. R.Shanmugasundaram, learned Senior Counsel appearing on behalf of the petitioner submitted that the husband of the petitioner is not shying away from facing the criminal proceedings. It was further submitted that the investigation must be conducted in a fair manner by an independent agency. The CCTV footage that is available will also clearly reveal as

to what actually happened on the fateful day. However, hasty steps are being taken by the seventh respondent to proceed further with the investigation and to delete the recordings in the CCTV footage. The learned Senior Counsel submitted that ultimately the truth has to come out and therefore, the investigation must be conducted by some other agency and it should not continued to be conducted by the seventh respondent.

6. Mr.Natarajan, Inspector of Police, B1 Sivakanchi Police Station, Kanchipuram, was present at the time of hearing. The learned Additional Public Prosecutor appearing on behalf of the respondents Police submitted that an accused person can never seek for a transfer of investigation, more particularly, involving an offence under NDPS Act. The learned Additional Public Prosecutor submitted that there was no reason for the seventh respondent to act against the husband of the petitioner and the investigation is being conducted in a fair manner. The learned Additional Public Prosecutor further submitted that baseless allegations have been made against the seventh respondent and there are absolutely no reasons to transfer the investigation at this stage. The learned Additional Public Prosecutor concluded his arguments by submitting that the seventh respondent will complete the investigation within the time frame stipulated by this Court.

7. This Court has carefully considered the submissions made by the learned counsel on either side and the materials available on record.

8. This Court does not want to go into the merits of the issues that have been raised in this Writ Petition. In the present case, the FIR has been registered against the husband of the petitioner under the NDPS Act. Therefore, it will be more appropriate, if the investigation is conducted by a specialised agency. By doing so, there will be a neutral investigation without giving rise to any unnecessary allegations made against the investigation officer.

9. In view of the above, without going into the merits of the case and in order to ensure a fair investigation, the investigation in Crime No.220 of 2021 is transferred to the file of NIBCID, Kanchipuram. The seventh respondent shall immediately transfer the entire case records to the NIBCID, Kanchipuram and the investigation shall be continued by the NIBCID, Kanchipuram, in Crime No.220 of 2021. The CCTV footage in the Police station on 30.01.2021 shall be preserved by the sixth and seventh respondents and it shall not be deleted till the completion of the investigation.

10. The Writ Petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS V)

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Sub Asst. Registrar

jv

To

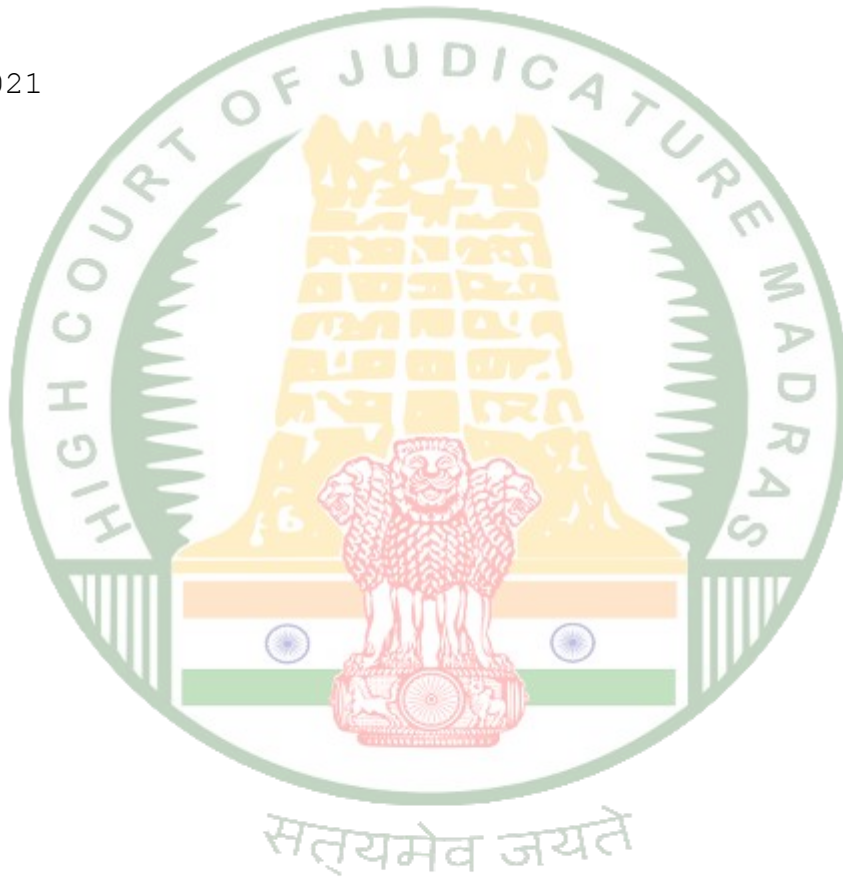
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7. The Inspector of Police,
B1-Sivakanchi Police Station,
Kanchipuram.
8. The Investigation Officer
Narcotics Intelligence Bureau
NIBCID, Kancheepuram

9. The Public Prosecutor,
High Court of Madras, Chennai.

+1 cc to Mr.V.Purushothaman Advocate sr8534

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