



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.17265 & 17266 of 2004 and
WP.No.32860 of 2007 and
W.M.P.Nos.20504 & 20505 of 2004

WP.Nos.17265 & 17266 of 2004

V.Vathan Chettiar

...Petitioner in WP.17265/2004

V.Rathanam

...Petitioner in WP.17266/2004

Vs

1.Chief Secretary to Government,
Fort St. George, Chennai-9.

2.Secretary to Government (Home),
Fort St. George, Chennai-9.

3.District Collector and Executive Magistrate,
Collectorate Buildings, Sampath Nagar, Erode.

4.The Deputy Director,
Central Bureau of Investigation,
Shastri Bhavan, Chennai.

...Respondents in
WP.17265 & 17266/2004

PRAYER in WP.No.17265 of 2004 : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing that the series of inter-related, inextricably interwoven and inseparable proceedings namely the,
(a) unnumbered complaint under Explosive Substances Act & Arms Act 1959 in SR No.1081/02 of CJM Court & CC 189/02 of JM3 Court, Erode.

(b) complaint under the Arms Act 1959, extortion & attempt to murder in Crime Nos.81/03, 312/01, 123/01 & 178/02 of Erode North Police Station.



(c) the unnumbered complaint under the Explosive Substances Act & Arms Act 1959 in SR.No.889/02, D.No.2548/02 & CC.No.30/02 of CJM Court, Erode & its consequential complaint in Cr.No.457/03 of Erode Town PS.

(CC.No.432/03 of JM 3 Court, Erode) (Complaint No.673/ABC/HS/04 on file of 2nd respondent.)

be transferred to the Fourth Respondent for a Comprehensive time-bound investigation in the light of the above facts.

(Prayer amended as per order of this Court on 28.06.2004 in WPMP.No.21710 of 2004)

PRAYER in WP.No.17266 of 2004 : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing that the case & Counter-cases under the Arms Act 1959 & abduction cum extortion cases in Crime numbers 312/01, 123/01 & 102/01 of Erode North Police Station be transferred to the Fourth Respondent for a Comprehensive time-bound investigation in the light of the above facts.

AND

WP.No.32860 of 2007

V.Vathan Chhettiar

...Petitioner

Vs

1.State of Tamil Nadu

rep. by its, Home Secretary,
Fort St. George, Chennai-9.

2.Sonal Mishra,

Superintendent of Police, District Police Office,
Erode.

3.Krishnamurthy

Former DySP, District Crime Branch, Erode.

4.E.Rajan,

DySP, District Crime Branch, Erode.

5.Union of India,

rep. by, The Deputy Superintendent of Police,
Central Bureau of Investigation,
Besant Nagar, Chennai.

...Respondents

PRAYER: Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Declaration, by directly following the decision of the Supreme Court in the



Ramesh Kumari case (2006 (2) SCC 677), and declare the Non-Despatch of the report contemplated by Section 157(1) Cr.PC to the Judicial Magistrate No.1, Erode by respondent Nos.2 to 4 (on his complaint dated 23.11.06) as an offence punishable under sections 166 & 167 IPC, apart from declaring the practice of CP/CSR as ultra vires Sections 154, 155 & 157 Cr.PC besides being violative of Articles 14 & 21 of the Constitution, and consequently direct the CBI to prosecute respondents 2 to 4 for the offences under section 166 & 167 IPC, besides investigating his complaint dated 23.11.06, and to file a report before this Court within 6 weeks.

For Petitioner: No Appearance
(In all WPs)

For Respondents: Mr. C. Jayaprakash
Government Advocate
(for R1 to R3 in WP.17265 & 17266/2004)
(for R1 in WP.32860 of 2007)

Not ready notice
(for R4 in WP.17265 & 17266/2004)
(for R2 to R5 in WP.32860/2007)

COMMON ORDER

When the matters were listed for hearing on 17.11.2021, none appeared on behalf of the petitioners. Thus, this Court passed an order, directing the Registry to list these matters on 19.11.2021 under the caption "For Dismissal".

2. Even today, i.e. 29.11.2021, when the matters are taken up for hearing, none appeared for the petitioners. Thus, it is evident that the petitioners are not interested in pursuing the matters. Accordingly, the Writ Petitions stand dismissed for non-prosecution. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

s/d-
Assistant Registrar

//True Copy//

Sub-Assistant Registrar

vs



To

1. Chief Secretary to Government,
Fort St. George, Chennai-9.

2. Secretary to Government (Home),
Fort St. George, Chennai-9.

3. District Collector and Executive Magistrate,
Collectorate Buildings, Sampath Nagar, Erode.

4. The Deputy Director,
Central Bureau of Investigation,
Shastri Bhavan, Chennai.

5. The Home Secretary,
State of Tamil Nadu
Fort St. George, Chennai-9.

6. The Deputy Superintendent of Police, Union of India,
Central Bureau of Investigation,
Besant Nagar, Chennai.

+1 CC to The Government Pleader sr 62630.

W.P.Nos.17265 & 17266 of 2004 and
WP.No.32860 of 2007 and
W.M.P.Nos.20504 & 20505 of 2004

PL(CO)
SP(13/12/2021)