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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2021

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P.NO.12018 OF 2021
and WMP.No.12781 of 2021

Mrs.Nandhini

... Petitioner

Vs.

1. The State, represented by
The Inspector of Police,
District Crime Branch,
Nagapattinam Branch,
(Crime No.3 of 2021)

2. The Additional Director General of Police,
C.B.C.I.D.,
Egmore,
Chennai - 600 008.

3. Subramanian

4. L.R.Balamurugan

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, Writ of Mandamus, to transfer the investigation in Crime No.3 of 2021, dated 23.02.2021 from the file of the first respondent - Inspector of Police, District Crime Branch, Nagapattinam, to the file of the second respondent - Additional Director General of Police, CBCID, Egmore, Chennai - 8, for fair investigation and to file the final report, within a time frame that may be fixed by this Court.

For Petitioner : Mr.Hameed Ismail

For R1 & R2 : Mr.A.Damodaran,
Additional Public Prosecutor

For R3 & R4 : Mr.Pugalenth



O R D E R

This Writ Petition is filed to issue a direction, to transfer the investigation in Crime No.3 of 2021, dated 23.02.2021 from the file of the first respondent - Inspector of Police, District Crime Branch, Nagapattinam, to the file of the second respondent - Additional Director General of Police, CBCID, Egmore, Chennai - 8, for fair investigation and to file the final report, within a time frame that may be fixed by this Court.

2.The contention of the petitioner is that the entire family members have been roped in this case. The accused is the sister, second and third accused are the parents of the petitioner. The petitioner is married to A1 and after the marriage, they were in Brunai, far of place. They never participated in the allegation. The respondent police, without considering all the aspect having mechanically roped in this case. For which, the petitioner made a representation and further submits that the third and fourth respondents are so powerful persons.

3.The learned Additional Public Prosecutor submitted that he had filed the status report denied the allegation made by the petitioner. The relevant paragraphs of the status report is extracted as under:

"3)I submitted that based on the equity, a case was registered in District Crime Branch, Nagapattinam Crime No.03/2021, U/s.406, 420 IPC against the accused 1) Rajeswari, 2) Ramakrishnan, 3) Santha, 4) Nandhini, 5) Murugan, 6) Vengada Balaji, 7) Ragul, 8) Ramu and 9) Raja, on 23.02.2021, at about 15.00 hours, by Tr.S.Thirugnanam, Sub Inspector of Police, D.C.B., Nagapattinam and the same was submitted before me for investigation.

4)It is submitted that the above case has been taken for investigation and examined the following witnesses, and record the statements U/Sec. 161(3) Cr.P.C.
On 23.02.2021 the following witnesses were examined

- | | |
|---------------------------|---------------------------------|
| 1.Subramaniyan | - Defacto complainant |
| 2.Pushbaleela | - Wife of the complainant |
| 3.Bharathi | - Daughter of the complainant |
| 4.Mariya Perdinet Rosleen | - Son in law of the complainant |



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On 24.02.2021 the following witnesses were examined

- 5.R.Sekar - Formal Witnesses
- 6.Bharathiraja - Formal Witnesses
- 7.V.S.Saker S/o. Sinnu - Document Witnesses
- 8.Packirisamy - Formal Witnesses
- 9.Balraj @ Diesel Bal - Formal Witnesses
- 10.Sumathi - Formal Witnesses

On 12.03.2021 the following witnesses were examined

- 11.J.Indrajith - Confession Witnesses
- 12.Vanitha - Confession Witnesses
- 13.Vijayasankar - Document Witnesses

On 09.05.2021 the following witnesses were examined

- 14.R.Krishnan - Income Tax Officer
- 15.Pazhanisamy - Document Witnesses

5)It is humbly submitted during the course of investigation as per the statements of the witnesses since the offences U/Sec.406, 420 IPC are attracted the section of law has been altered in to U/Sec.109, 406, 420, 468, 471 of IPC on 09.05.2021.

6)It is humbly submitted that A1) Rajeshwari was arrested on 11.03.2021 and produced for judicial custody. She was released on bail on 12.05.2021 by JM-I Court, Nagapattinam. A3) Santha, and A4) Nandhini were released on bail by the Principal District Judge, Nagapattinam, on anticipatory bail. The remaining accused A2, A5, A6, A7, A8, A9 are all in absconding & efforts are taken to secure them.

7)It is humbly submitted that the processes of investigation is going on as per the provisions of law. The investigation in the above case is pending for the recovery and perusals of the documents involved in the case."

4.Further submitted that the investigation in this case has been completed and charge sheet has been filed in C.C.No.587 of 2021 before the Judicial Magistrate Court No.I, Nagapattinam. Totally, there are nine accused in this case and they are facing trial for the offence under Sections 109, 406, 420, 468 and 471 IPC. Further listing LW1 to LW17 and several documents.

5.Considering the submissions and on perusal of the materials, it is seen that in this case investigation has been



completed and charge sheet has been filed in C.C.No.587 of 2021 before the Judicial Magistrate Court No.I, Nagapattinam. The points raised by the petitioner cannot be considered now, which are to be decided during the trial and not in this writ petition.

6.In view of the same, this Writ Petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Inspector of Police,
District Crime Branch,
Nagapattinam Branch,
(Crime No.3 of 2021)
- 2.The Additional Director General of Police,
C.B.C.I.D.,
Egmore, Chennai - 600 008.
- 3.The Public Prosecutor, (Crl.Side)
High Court, Madras.

W.P.NO.12018 OF 2021
and WMP.No.12781 of 2021

SRA (CO)
PR (13/10/2021)