



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE **M.M. SUNDRESH**

AND

THE HONOURABLE MRS. JUSTICE **S. ANANTHI**

W.P. (MD) No. 2563 of 2021

and

W.M.P. (MD) No. 2112 of 2021

S. Muruga Ganesan

: Petitioner

Vs.

1. Union of India,
Rep. by Secretary to Government,
Ministry of External Affairs,
Patiyala House Anex,
New Delhi.
2. The Secretary to Government,
Home Department (Police),
Secretariat,
Fort St. George,
Chennai.
3. The Director General of Police,
Headquarters,
Chennai - 9.
4. The Inspector General of Police,
Intelligence Cell, Chief Office,
Chennai.
5. The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Road,
Madurai - 2.
6. The Postmaster General,
Southern Region - Madurai,
Madurai.
7. The Inspector General of Police,
'Q' Branch CID,
Chief Office,
Chennai.
8. The Superintendent of Police,
'Q' Branch CID,
Chief Office,
Chennai.



9.The Inspector of Police,
'Q' Branch CID,
Madurai.

10.The Joint Director of CBI / Head of Zone,
3rd Floor, III EVK Sambath Building,
College Road, Chennai - 600 006.

11.Mr.S.Davidson Devaasirvatham,
Commissioner of Police, Madurai.
(Presently working as ADGP, Police Training College, Chennai)

12.Mr.Sivakumar,
Assistant Commissioner,
Intelligence Section,
Madurai City.

13.Mr.Dharmalingam,
Inspector of Police,
Intelligence Section,
Madurai City.

14.Mr.Elavarasu,
Inspector of Police,
Avaniyapuram, Madurai City.
Now working as
B-1, Vilakkuthoon Crime Inspector,
Madurai City.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the 3rd respondent to transfer the investigation in Crime No.1 of 2019 pending on the file of the 9th respondent either to the Central Bureau of Investigation or any other independent agency under the direct supervision of this Court or under the Monitoring Committee headed by a Retired Judge of this Court and consequently, fix an outer time limit for completing the investigation, by considering the representation dated 25.11.2020.

For Petitioner : Mr.Niranjana S.Kumar
for Mr.K.Navaneetha Raja

For Respondents : Mr.K.Chellapandian,
Additional Advocate General
Assisted by
Mr.K.P.Krishnadoss,
Special Government Pleader
for R.2 to R.9



ORDER

(Order of the Court was made by **M.M.SUNDRESH, J.**)

This *pro bono* has been filed by the petitioner, who is not only a practising Lawyer, but also a party functionary, seeking a writ of mandamus directing the respondents, especially, the third respondent, to transfer the investigation in Crime No.1 of 2019 pending on the file of the ninth respondent either to CBI or any other independent agency or to a Monitoring Committee headed by a retired Judge of this Court.

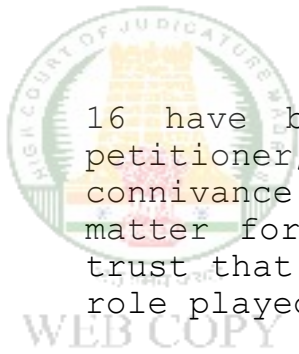
2. The case has been registered in Crime No.1 of 2019 on the file of the 'Q' Branch CID, based upon the information obtained that passports have been obtained using fake documents, for the offence under Sections 120(B), 420, 465, 468 & 471 IPC r/w Sections 12(1A) (a), 12(1A)(b) & 12(2) of the Passport Act, 1967. The sum and substance of the factum, as could be seen from the case registered, is that the named accused persons, with the connivance of others, obtained passports with fabricated documents, as if the holders belong to this Country, though they belong to the neighboring Countries.

3. The learned Counsel appearing for the petitioner submitted that in view of the above and since there is no progress, the investigation will have to be transferred. On a query raised by this Court as to why, for such a prayer, the named respondents, who were holding official position at the relevant point of time starting from the Station House Officer to the top most officer, are arrayed as parties, the learned Counsel submitted that inasmuch as the offence having taken place during their tenure of service, they are added accordingly.

4. The learned Additional Advocate General appearing for the State submitted that the case is progressing in the right way. About 175 witnesses have been examined. Of the 22 accused identified, 16 have been arrested. Other than individual persons, three Police officials have been identified as accused, apart from one person from the Office of the District Passport Office. Incidentally, few postal officials have also been identified. Therefore, there is no need for transferring the investigation.

5. Heard the learned Counsel appearing for the respective parties.

6. The First Information Report has been registered on obtaining certain specific information. The investigation is in the right track and we do not find any material to come to the conclusion that the investigation agency is acting in a partisan manner. 175 witnesses have been examined and of the 22 accused,



16 have been arrested. The primary case, as projected by the petitioner, is that the offence has been committed with the connivance of the Station Officers. If that is the case, this is a matter for investigation by the investigation agency. We hope and trust that the investigation agency will look into the aspect on the role played by the Station Officers in this regard.

7. Suffice, it is, to state that there is no need to implead the other officers, in the absence of any material against them, as parties in this writ petition, which has been filed seeking to transfer the investigation.

8. In such view of the matter, we do not find any reason to transfer the investigation as sought for by the petitioner. However, considering the facts and circumstances of the case, we direct the ninth respondent to complete the investigation within a period of three months from the date of receipt of a copy of this order. We further direct the seventh respondent to supervise and monitor the investigation.

9. In the result, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

gk
To

- 1.The Secretary to Government,
Union of India,
Ministry of External Affairs,
Patiyala House Anex,
New Delhi.
- 2.The Secretary to Government,
Home Department (Police),
Secretariat,
Fort St.George,
Chennai.
- 3.The Director General of Police,
Headquarters,
Chennai - 9.



4.The Inspector General of Police,
Intelligence Cell, Chief Office,
Chennai.

5.The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Road,
Madurai - 2.

6.The Postmaster General,
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8.The Superintendent of Police,
'Q' Branch CID,
Chief Office,
Chennai.

9.The Inspector of Police,
'Q' Branch CID,
Madurai.

10.The Joint Director of CBI / Head of Zone,
3rd Floor, III EVK Sambath Building,
College Road, Chennai - 600 006.

+1 CC to M/s.K.NAVANEETHARAJA, Advocate (SR-4688[F] dated
12/02/2021)

+1 CC to M/s.GP (SR-4951[F] dated 15/02/2021)

W.P. (MD) No.2563 of 2021

11.02.2021

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