



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 17.12.2021

CORAM

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

W.P. (MD)No.3930 of 2019

and

W.M.P. (MD)Nos.3047 and 16412 of 2019

S.Kousalya

... Petitioner

Vs.

1.The State,

Rep. by the Deputy Superintendent of Police,
District Crime Branch,
Tuticorin,
Tuticorin District.
[Cr.No.8 of 2018]

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

3.The Director General of Police,
Tamil Nadu Police Department,
No.1, Dr.Radhakrishnan Salai,
Mylapore, Chennai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus, directing the third respondent to withdraw the case in Crime No.8 of 2018, on the file of the first respondent, the Deputy Superintendent of Police, District Crime Branch, Thoothukudi and transfer it to the C.B.C.I.D. or to any other investigating agency.

For Petitioner : Mr.R.Sunil Kumar

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

This Writ Petition is filed seeking Mandamus, directing the third respondent to withdraw the case in Crime No.8 of 2018, on the file of the Deputy Superintendent of Police (DCB), Thoothukudi and transfer it to the C.B.C.I.D. or any other investigating agency.

2.The short fact of the case is that the sons of the petitioner herein are accused in Crime No.8 of 2018. For a grave allegation of cheating the TANGEDCO, around Rs.9 Crores, a case has been registered against the sons of the petitioner herein. The



petitioner herein alleging that the investigation has not been properly conducted and the name of one M.N.V.Sudhakar has been deleted from the F.I.R. without valid reason in order to favour the said Sudhakar and fixed her husband and two sons in this case.

3.The learned Additional Public Prosecutor appearing for the respondents would submit that it is a case of pre-planned fraud committed by a group of Company, called, Ind-Barath Energies. Nearly, a sum of Rs.9 Crores has been cheated by the accused persons. The respondent police has meticulously carried out the investigation and the final report is ready to be filed at any time. But, due to the interim order obtained in the present Writ Petition by the petitioner herein, who is no way connected with the case, filing of final report is put on hold.

4.Relying upon the recent judgment of the Hon'ble Apex Court in **Arnab Ranjan Goswami Vs. Union of India and others [W.P.(Crl.) No.130 of 2020, dated 19.05.2020]**, the learned Additional Public Prosecutor would submit that change of investigating agency cannot be ordered at the behest of accused persons or the persons interested in the accused and transfer of investigation to C.B.I. is also not a matter of routine.

5.This Court is in full agreement with the above submissions made by the learned Additional Public Prosecutor.

6.A catena of judgments relied and the dictum laid down in **Arnab Ranjan Goswami's** case [cited supra], have given quietus to the issue of transfer of investigation on flimsy ground only with an intention to delay the prosecution.

7.A detailed counter affidavit filed by the first respondent clearly discloses the scheme of fraud committed by the accused persons and the present petition is filed purely to delay the process. Therefore, this Court finds no merit in this Writ Petition. Hence, this Writ Petition is dismissed. No costs. W.M.P. (MD)No.16412 of 2019 filed to vacate the stay granted in W.P.(MD) No.3930 of 2019, dated 21.02.2019, is ordered and the interim order granted stands vacated. The respondents are directed to complete the investigation and file final report within 30 days from the date of receipt of this order. Consequently, connected W.M.P.(MD)No.3047 of 2019 is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



To

1.The Deputy Superintendent of Police,
District Crime Branch,
Tuticorin,
Tuticorin District.

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

3.The Director General of Police,
Tamil Nadu Police Department,
No.1, Dr.Radhakrishnan Salai,
Mylapore, Chennai.

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

W.P. (MD)No.3930 of 2019
17.12.2021

_RD(30.12.2021) 3P 5C