



W.P. No. 14427 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2022

Coram

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

W.P. No. 14427 of 2021

VenkataSivanagakumar Kantheti

.. Petitioner

Vs.

1. The Director General of Police,
Crime Branch (CID),
24, Pantheon Rd, Komaleeswaranpet,
Egmore, Chennai – 600 008.
2. The Superintendent of Police,
Crime Branch (CID),
24, Pantheon Rd, Komaleeswaranpet,
Egmore, Chennai – 600 008.
3. The Commissioner of Police,
Commissioner Office building, EVK sampath Road,
Vepery, Chennai – 600 007.
4. The Inspector of Police,
Crime Branch (CID) Metro wing,
24, Pantheon Rd, Komaleeswaranpet,
Egmore, Chennai – 600 008.

5. Rajesh

.. Respondents



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Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus to direct the respondents police officials not to harass the petitioner in the guise of enquiry and further direct the third respondent to register a FIR on the complaint dated 14.05.2019 lodged by the petitioner against the 5th respondent and initiate appropriate action against him.

For Petitioner : Mr. S.Karthikeyan
for Mr.S.Sheik Thanveer Ahamed

For Respondents 1-4 : Mr. A.Damodaran
Additional Public Prosecutor

ORDER

This writ petition has been filed for the issuance of a writ of mandamus to direct the respondent police officials not to harass the petitioner in the guise of enquiry and further direct the third respondent to register a FIR on the complaint dated 14.05.2019 lodged by the petitioner against the 5th respondent and initiate appropriate action against him.

2. The learned counsel for the petitioner submitted that on a complaint given by the petitioner on 16.05.2019 to the third respondent, an acknowledgment has been given to the petitioner on the same day in



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C.No.2635/CCB/Visitors/2019; subsequently, enquiry has been conducted and the complaint was closed by stating that the one M.Venkatesan has filed a writ petition in W.P. No.17006 of 2019 against the petitioner and further the petitioner has not given the source for a sum of Rs.17,00,00,000/- as alleged by him in the complaint.

3. In the closure report it is stated that the complaint is closed temporarily for want of source for the said amount of Rs.17,00,00,000/- (Rupees Seventeen Crores Only). The learned counsel for the petitioner submitted that the petitioner is ready to submit the source as required by the fourth respondent and the materials already been furnished were not taken into consideration.

4. The learned Additional Public Prosecutor appearing for the respondent police on instructions submitted that a counter complaint has been given by the fifth respondent against the petitioner and others and the investigation of the same has been transferred to the Central Bureau of Investigation (CBI). In view of the order of this Court dated 20.09.2022 in



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CrI.O.P. No.5224 of 2022 and batch, the investigation is ordered to be carried out by CBI.

5. The learned Additional Public Prosecutor submitted that in compliance of the said order, the fourth respondent Crime Branch (CID) Metro Wing is going to hand over the entire papers to CBI for further enquiry.

6. In such a case it will be convenient if the complaint given by the petitioner can also be opened for enquiry by Central Bureau of Investigation along with the other complaints already transferred to Central Bureau of Investigation

7. The learned counsel for the petitioner submitted that Central Bureau of Investigation should not be carried away with the inputs given by Central Crime Branch, and it should conduct an independent enquiry.

8. Since the learned Additional Public Prosecutor has also accepted that the connected matter had already been taken up by Central Bureau of



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Investigation, I feel it is appropriate to direct the CBI to reopen the complaint of this petitioner and conduct an independent enquiry and do the needful in accordance with law. Since no direction has been given to register an FIR against the fifth respondent, notice for the fifth respondent is dispensed.

9. Accordingly, the Director, Central Bureau of Investigation (CBI), Rajaji Bhavan Complex, 3rd Avenue, Besant Nagar, Chennai 600 090 is directed to reopen the complaint of the petitioner, receive the materials submitted by him and conduct independent enquiry and do the needful in accordance with law.

10. With the above direction, this Writ Petition is disposed.

26.10.2022

Index: Yes/No
Speaking order / Non-speaking order
bkn

To:
1. The District Collector,
Chennai Collectorate Office,
Singaravellar Maligai,
Chennai.



WEB COPY



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R.N.MANJULA, J.,

bkn

2. The District Revenue Officer,
Chennai Collectorate Office,
Singaravellar Maligai,
Chennai.
3. The Tahsildar,
304/936, TH Road,
Ellaimman Kovil Street,
Opposite to Government Hospital,
Thiruvottiur, Chennai – 600 019.
4. The Commissioner of Police,
Veppery, Chennai – 600 007.
5. The Deputy Commissioner of Police,
Mathavaram Range, Chennai – 600 060.
6. The Inspector of Police,
M-8, Sathankadu Police Station,
Chennai – 600 081.
7. The Director, Central Bureau of Investigation (CBI),
Rajaji Bhavan Complex,
3rd Avenue, Besant Nagar, Chennai 600 090.
8. The Public Prosecutor, Madras High Court.

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