



W.P.No.30706 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2022

CORAM:

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.No.30706 of 2022

M/s.Elite Promoters,
Represented by its Partner,
J.Manivannan

... Petitioner

Vs.

1. The Commissioner of Police,
Police Commissionerate of Tambaram,
No.42/1, Medavakkam Main Road,
Sholinganallur,
Chennai – 600 119.

2. The Inspector of Police,
S-14, Peerankaranai Police Station,
W34X/633, Kamaraj Nagar,
New Perungalathur,
Chennai – 600 063.

3. The Inspector of Police,
Central Crime Branch,
Police Commissionerate of Tambaram,
No.42/1, Medavakkam Main Road,
Sholinganallur,
Chennai – 600 119.

4. S.Manikandan

...Respondents



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Writ Petition is filed under Article 226 of the Constitution of India, praying to issue writ of Mandamus, directing the respondents 1 and 2 to transfer the case of the petitioner in CSR No.1178 of 2022 dated 22.10.2022 issued by the second respondent, to the file of the Central Crime Branch, Police Commissionerate of Tambaram, the third respondent herein and consequently, direct the third respondent to investigate the case and to initiate criminal action against the fourth respondent for recovering the huge amount.

For Petitioner : Ms.Rita Chandrasekaran for
Mr.C.Mohanraj

For Respondents 1 to 3 : Mr.S.Santhosh,
Government Advocate (Crl. Side)

ORDER

This Writ Petition has been filed directing the respondents 1 and 2 to transfer the case of the petitioner in CSR No.1178 of 2022 dated 22.10.2022 issued by the second respondent, to the file of the Central Crime Branch, Commissionerate of Tambaram, the third respondent herein and consequently, direct the third respondent to investigate the case and to initiate criminal action against the fourth respondent for recovering the huge amount.

2. The learned counsel for the petitioner submitted that the complaint



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has been lodged by the 2nd respondent as early as on 22.10.2022 and so far no action has been taken; for a matter which is civil in nature, criminal colour is given; however, the 2nd respondent has colluded with the 4th respondent / defacto-complainant and protracts the enquiry.

3. The learned Government Advocate (Crl. Side) submitted that the case sought to be transferred is pending for C.S.R.enquiry.

4. The grievance of the petitioner is that for a matter which is civil in nature, criminal colour is given. If the matter is civil in nature that will not prevent the 2nd respondent to close the same on the said ground. In case a criminal offence is made out, the 2nd respondent has to complete the enquiry even though CSR Number is assigned. Hence, I feel it is appropriate to direct the 2nd respondent Police to complete the enquiry within a period of four weeks and file a report. The petitioner shall also cooperate the enquiry. The respondents 1 to 3 are directed to follow the guidelines laid down by the Supreme Court in *Lalita Kumari Vs. Govt. of U.P. & Ors.* while conducting the enquiry.

R.N.MANJULA,J.



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vum

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5. With the above observation, this Writ Petition stands disposed of.

No costs.

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vum

Index:yes/No

Speaking order / Non speaking order

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