



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.01.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.959 of 2022

WEB COPY

N.Meenakshi Sundaram,
Special Sub Inspector 2086,
Maancholai police station,
Tirunelveli District.

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep. By its Secretary,
Home Department,
Fort St. George Secretariat,
Chennai - 600 009.
2. The Director General of Police,
Law and Order,
Dr.Radhakrishnan Salai,
Mylapore, Chennai.
3. The Director General of Police,
Crime Branch C.I.D.,
Egmore, Chennai.
4. The Inspector of Police,
Special Investigation Officer,
Nanguneri police station,
Tirunelveli District.
5. The Inspector of Police,
C.B.C.I.D., Tirunelveli.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to compensate the petitioner with a sum of Rs.5 Lakhs for their failure in discharging their official duty and in totally disregarding the positive directions given by this Court in CrI.O.P.(MD)No.16945 of 2018 dated 24.09.2018 and consequently direct the respondents herein to complete the pending proceedings against the petitioner in a fair manner.

For Petitioner : Mr.V.Balaji

For Respondents : Mr.B.Thanga Aravindh,
Government Advocate(Crl. Side).



O R D E R

Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

2. Though the petitioner asked for a larger relief, he confines to seeking a direction for filing final report and for expediting the case. It is open to the petitioner herein to agitate the other reliefs now sought for separately. Liberty is granted.

3. The petitioner is figuring as accused in C.C.No.219 of 2015 on the file of the Judicial Magistrate, Ambasamudram. In the said proceedings, the fifth respondent filed a petition under Section 173(8) of Cr.P.C. and further investigation was also ordered on 19.04.2018. Since further investigation was not speedily conducted, the petitioner herein filed CrI.O.P.(MD)No.16945 of 2018. A learned Judge of this Court vide order dated 24.09.2018, directed the CBCID to complete further investigation within a period of four months.

4. Though more than 3½ years have elapsed, till date final report has not been filed. As a result of the delay, the petitioner appears to have been put to considerable hardship and loss. That necessitated the filing of this petition.

5. When the matter was taken up for hearing, the learned Government Advocate filed a status report of the fifth respondent. The fifth respondent states that the final report has already been made ready and he is waiting for approval from the higher authority. I am not able to appreciate the stand taken by the fifth respondent. When this Court had given a direction that final report should be filed within a period of four months, till date the fifth respondent is awaiting approval.

6. Be that as it may, the fifth respondent is directed to file the final report before the Judicial Magistrate, Ambasamudram on or before 08.02.2022. The learned Judicial Magistrate, Ambasamudram shall not return the final report stating that it is not the jurisdictional Court for CBI cases, Tirunelveli. Since it was the Judicial Magistrate, Ambasamudram who passed the order under Section 173(8) of Cr.P.C. for further investigation, the final report shall also be filed before the very same Court. Once the same is taken on file, it is expected that the entire proceedings will be concluded on merits and in accordance with law within a period of six months thereafter.

7. This writ petition is ordered on these terms. No costs.

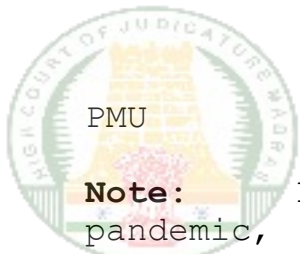
Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1. The Judicial Magistrate,
Ambasamudram.
2. The Government of Tamil Nadu,
Rep. By its Secretary,
Home Department,
Fort St. George Secretariat,
Chennai - 600 009.
3. The Director General of Police,
Law and Order,
Dr.Radhakrishnan Salai,
Mylapore, Chennai.
4. The Director General of Police,
Crime Branch C.I.D.,
Egmore, Chennai.
5. The Inspector of Police,
Special Investigation Officer,
Nanguneri police station,
Tirunelveli District.
6. The Inspector of Police,
C.B.C.I.D., Tirunelveli.
7. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.V.BALAJI, Advocate (SR-3253[F] dated 31/01/2022)

W.P. (MD) No. 959 of 2022
28.01.2022

RK(10/03/2022) 3P 9C