

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **13.09.2022**

CORAM

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

W.P.(MD)No.2963 of 2013

and

M.P.(MD)No.1 of 2013

Guru Eswari

... Petitioner

/Vs./

- 1.State of Tamil Nadu,
rep., by its Home Secretary,
Fort St., George, Chennai.
- 2.The Director General of Police,
Crime Branch Criminal
Investigation Department,
Office of the CBCID,
No.3, SIDCO Electronic Complex I Floor,
Guindy, Chennai 600 032.
- 3.The Superintendent of Police,
Tuticorin District.
- 4.The Inspector of Police,
Tharuvaikulam Police Station,
Tuticorin District.
- 5.The Inspector of Police,
South Police Station,
Tuticorin District.

6.S.Murugan

... Respondents

PRAYER:- Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the first respondent to transfer the investigation of Crime Nos.73 and 92 of 2012 from the file of the fourth respondent and Crime No.805 of 2012 from the file of the fifth respondent to the file of the second respondent.

For Petitioner : M/s.U.Nirmala Rani
For R1 to R5 : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor.

ORDER

This writ petition was filed for a direction to the first respondent to transfer the investigation in Crime Nos.73 and 92 of 2012 pending on the file of the fourth respondent and Crime No.805 of 2012 pending on the file of the fifth respondent, to the file of the second respondent.

2.When the writ petition was taken up for hearing, it is brought to the notice of this Court that insofar as Crime No.73 of 2012 is concerned, the case was investigated and final report was filed before the Judicial Magistrate II, Thoothukudi, and the same was taken on file in CC.No.16 of 2020. It was submitted that this case is now in the stage of examination of L.W.1 and L.W.2 and the case is posted on 11.10.2022.

3.Insofar as Crime No.805 of 2012 is concerned, it is brought to the notice of this Court that the accused person pleaded guilty before the Judicial Magistrate II, Thoothukudi, and paid the fine amount and accordingly, this case was disposed of on 04.04.2022.

4.Insofar as Crime No.92 of 2012 is concerned, the learned Additional Public Prosecutor submitted that the Police was not able to trace the file and hence, he has no instructions insofar as this case is concerned.

5.It is clear from the above that much water has flown after the filing of this writ petition and out of three cases, one case has already been concluded and the other case is now in the stage of trial. Therefore, there is no scope for transferring the investigation at this stage. Insofar as Crime No.92 of 2012 is concerned, the fourth respondent is directed to expedite the investigation and file a report before the concerned Court, within a period of two (2) months from the date of receipt of a copy of this order, if the investigation has not already been completed and report filed.

6. Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

13.09.2022

Internet : Yes/No

Index : Yes/No

Rmk

To

1. The Home Secretary,
State of Tamil Nadu,
Fort St., George, Chennai.
2. The Director General of Police,
Crime Branch Criminal
Investigation Department,
Office of the CBCID,
No.3, SIDCO Electronic Complex I Floor,
Guindy, Chennai 600 032.
3. The Superintendent of Police,
Tuticorin District.
4. The Inspector of Police,
Tharuvaikulam Police Station,
Tuticorin District.
5. The Inspector of Police,
South Police Station,
Tuticorin District.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

N.ANAND VENKATESH, J.

Rmk

Order made in
W.P.(MD)No.2963 of 2013

Dated:
13.09.2022