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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **28.01.2022**

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.(MD)No.11979 of 2019

(Through video Conference)

Ramachandran .. Petitioner

Vs.

1.The State of Tamil Nadu,
represented by,
The Superintendent of Police,
Madurai District.

2.The Inspector of Police,
Valandur Police Station,
Madurai District.
(Crime No.49 of 2019)

3.The Deputy Superintendent of Police(CBCID),
CBCID Office,
Madurai District. . Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus, to direct the second respondent to withdraw the case in Crime No.49 of 2019 on the file of the second respondent and entrust the same to the third respondent for investigation of the case by the competent officer and file a final report before the Juridictional Magistrate within the time stipulated by this Court.

For Petitioner :Mr.R.Venkatesan
For Respondents :Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

O R D E R

This writ petition is filed seeking mandamus to entrust the investigation in Crime No.49 of 2019 to CBCID since the second respondent police biased and not conducting the investigation fairly.

2. The learned Additional Public Prosecutor would submit that infact the case in Crime No.49 of 2019 was closed as 'mistake of fact' and against which the petitioner herein filed a protest petition before the learned Judicial Magistrate, Usilampatti in

https://hcservices.ecourts.gov.in/hcservices/

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Crl.M.P.No.3686 of 2019. The learned Judicial Magistrate had ordered further investigation and granted two months time to file final report. However, new investigation officer would not complete the investigation and file the final report as directed by the learned Judicial Magistrate and seeks two months time to complete the investigation and file the final report.

3. The averments found in the complaint indicates that during the parliamentary election, there was quarrel between two groups and both the groups have filed a complaint each other, when they were in hospital getting treatment for the injuries sustained in the fight. In the petition, it is particularly alleged that the accused in Crime No.49 of 2019 belongs to the Ruling Party had influenced the investigation. However, the scenario has changed now and the learned Additional Public Prosecutor gives an undertaking that pursuant to the Judicial Magistrate's direction, further investigation is conducted and final report will be filed within a period of two months from today.

4. Recording the same, this writ petition is disposed of. No Costs.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PJL

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 Superintendent of Police,
Madurai District.

2.The Inspector of Police,
Valandur Police Station,Madurai District.

3.The Deputy Superintendent of Police (CBCID),
CBCID Office, Madurai District.

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

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MGJ(08.02.2022) 2P 5C

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