



WP(MD)No.16335of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.11.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE SATHI KUMAR SUKUMARA KURUP**

W.P.(MD)No.16335 of 2022

N.Ramanathan

... Petitioner

/vs./

1. The Home Secreatary
Home, Prohibition and Excise Department,
Secretariat, Chennai- 600 009.
2. The Director General of Police
Office of the Director General of Police,
Mylapore, Chennai 600 004.
3. The Additional Director General of Police,
Economic Offences Wing,
Chennai
4. The Inspector General of Police
South Zone
No.1, New Natham Road
Bibikulam, Madurai 625 002.
5. The Inspector of Police
Economic Offence Wing-II
No.39, Viswanathapuram Main Road,
Madurai- 625 014

... Respondents

(R3 is *suo motu* impleaded vide order of this Court, dated 08.11.2022 and the original respondents are re-arranged accordingly)



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondents to withdraw the investigation in respect of Crime No.3 of 2021 on the file of Respondent No.4 and to transfer the investigation to the CBCID or any other competent investigation agency on the basis of petitioner representation dated 06.07.2022

For Petitioner : Mr.C.M.Mari Chellaiah Prabhu
For Respondents : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor.

ORDER

The Petitioner has filed the above Writ Petition to issue a Writ of Mandamus, directing the Respondents to withdraw the investigation in respect of Crime No.3 of 2021 on the file of Respondent No.4 and to transfer the investigation to the CBCID or any other competent investigation agency on the basis of Petitioner's representation dated 06.07.2022

2. The prayer of the Petitioner is found misconceived. As per the Tamil Nadu Protection of Interest and Depositors (in Financial Establishment) Act, 1997 is concerned the Tamil Nadu Government had formed special unit under the Tamil Nadu police under the direct supervision of Additional Director General of



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Police, Economic Offences Wing to conduct investigation and also constitute the Special Court under the same Act. Therefore the fourth Respondent is serving under the Additional Director General of Police, Economic Offences Wing the same cannot be transferred from the Economic Offences Wing to CBCID at the whims and fancies of the complainant.

3..The Additional Director General of Police, Economic Offences Wing, Chennai is *suo motu* impleaded as third respondent, considering the subject matter of the adjudication.

4. Considering the submission of the learned Counsel for the Petitioner the Additional Director General of Police, Economic Offences Wing, Chennai is *suo motu* impleaded as party. He is directed to nominate a senior Officer not below the rank of the Superintendent of Police to supervise the investigation regarding Crime No.3 of 2021 on the file of the Inspector of Police, EOW-II, Madurai. If the investigation is not proceeded fairly the Additional Director General of Police, Economic Offences Wing, Chennai through the nominated officer at the



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level of the Superintendent of Police shall withdraw the investigation in Crime No. 3 of 2021 from the present Investigation Officer and shall hand over the same to the competent Officer and to ensure that the investigation is proceeded on the right track and file a report before the Special Court under the TANPID Court.

5. With the above direction, the Writ Petition stands closed. No costs.

08.11.2022

Index : Yes / No

Internet : Yes / No

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TO:

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4. The Inspector General of Police
South Zone
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5. The Inspector of Police
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Madurai- 625 014
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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