



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2022

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THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P. (MD)No.17165 of 2019
and
WMP (MD)No.13684 of 2019

Vijitha Ragupathy

... Petitioner

Vs.

1.The Principal Secretary to the Government,
Home Department, St. George Fort,
Chennai.

2.The Director General of Police,
Police Head quarters,
Beach Road,
Chennai.

3.The Deputy Inspector General of Police,
South Zone,
Officer of the Deputy General,
Madurai.

4.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

5.The Inspector of Police,
Kenikarai Police Station,
Ramanathapuram,
Ramanathapuram District.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the case in Crime No.174 of 2019 on the file of the 5th respondent to entrust the same to the some other Investigation Officer, under the supervision of the 3rd respondent for the purpose of fairness and the sensitivity of the case in the light of the petitioner's representation dated 23.07.2019, and file a final report before the Jurisdictional Magistrate within the time stipulated by this Court.



For Petitioner : Mr.D.Balamurugapandi
For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

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ORDER

This Writ Petition is filed seeking change of investigation alleging that the fifth respondent police is not acting fairly and trying to help the accused persons from escaping the clutches of law.

2.The learned counsel for the petitioner would submit that grant of anticipatory bail to the accused by this Court to be cancelled since by suppressing the true facts with the help of the fifth respondent herein, the above said anticipatory bail order was obtained by the accused and the fifth respondent police has conducted the investigation in a biased manner.

3.However, the learned Additional Public Prosecutor would submit that the fifth respondent has already completed the investigation and has filed a final report before the concerned Judicial Magistrate, on 21.12.2019. But, it has not yet been taken on file. Since, one of the person arrayed as accused, was removed in the charge sheet for want of *prima facie* materials against him, was not informed to the defacto complainant.

4.This Court, from records find that the case, which alleged to have occurred on 09.06.2019 and final report filed on 21.12.2019, but, till date it has not been taken on file for further proceedings for some avoidable reasons. The Investigating Officer, who should have taken prompt action informing the defacto complainant regarding the removal of one of the accused from the charge sheet and followed the concerned Judicial Magistrate to take final report for further proceedings failed to discharge his duty. Almost 2 years have been lapsed for filing final report, no action has been taken to peruse the final report. Hence, the fifth respondent herein is directed to take up necessary action for perusing the final report to be taken on file by the concerned Magistrate and for further committal proceedings as expeditiously as possible. The petitioner is so advised is at liberty to file protest petition and proceed against the person, whose name deleted.

6. The concerned Magistrate shall take up the final report on file in Crime No.174 of 2019 and proceed with the same in accordance with law as expeditiously as possible.



7.With the above direction, this Writ Petition is disposed of. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(T & P)

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// True Copy //

/ /2022

Sub Assistant Registrar(CS)

dss

To

1.The Chief Judicial Magistrate, Ramanathapuram.

2.The Principal Secretary to the Government,
Home Department, St. George Fort,
Chennai.

3.The Director General of Police,
Police Head quarters,
Beach Road,
Chennai.

4.The Deputy Inspector General of Police,
South Zone,
Officer of the Deputy General,
Madurai.

5.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

6.The Inspector of Police,
Kenikarai Police Station,
Ramanathapuram,
Ramanathapuram District.

+1 CC to M/s.D.BALAMURUGAPANDI, Advocate (SR-2196[F] dated
24/01/2022)

W.P. (MD) No.17165 of 2019
and
WMP (MD) No.13684 of 2019
24.01.2022

nsn(CO)

TR(11.02.2022) 3P 8C