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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.10089 & 10090 of 2008
and
M.P.Nos.1 & 2 of 2008

W.P.No.10089 of 2008:

K.R.Surya Kumar ... Petitioner

Vs.

1.The Government of Tamil Nadu
Represented by its Secretary
Home Department
Fort St. George, Chennai – 9.

2.The Director General of Police,
Mylapore, Chennai – 4.

3.The Deputy Inspector General of Police,
Vellore Range, Vellore.

4.The Superintendent of Police
Vellore District, Vellore.

5.The Deputy Superintendent of Police
Arakkonam, Vellore District.

6.The Inspector of Police
Arakkonam Town Police Station
Arakkonam, Vellore District.

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7.The Director
Central Bureau of Investigation
New Delhi. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent herein to transfer the investigation from the hands of the 5th respondent, based upon the petitioner's compliant dated 26.02.2007, to the Central Bureau of investigation, the 7th respondent herein, to unearth the murder case and proceed in accordance with law.

W.P.No.10090 of 2008:

K.R.Surya Kumar ... Petitioner

Vs.

1.The Government of Tamil Nadu
Represented by its Secretary
Home Department
Fort St. George, Chennai – 9.

2.The Director General of Police,
Mylapore, Chennai – 4.

3.The Commissioner of Police
Egmore, Chennai – 8.

4.The Additional Commissioner of Police
Egmore, Chennai – 8.

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5.The Joint Commissioner of Police (Central)
Egmore, Chennai – 8.

6.The Assistant Commissioner of Police
C.C.B. (Team – II)
Egmore, Chennai – 8.

7.The Inspector of Police
Traffic & Investigation
V-5, Thirumangalam Police Station
Chennai.

8.The Director
Central Bureau of Investigation
New Delhi.

9.The Chairman cum Managing Director
ICICI Prudential Life Insurance Company Limited
ICICI Prulife Towers, 1089, Appasaheb Marathe Marg
Prabhadevi, Mumbai – 400 025.

10.The Chairman cum Managing Director
Aviva Life Insurance Company India Pvt. Ltd.
2nd Floor, Prakashdeep Building
7, Tolstoy Marg, New Delhi – 110 001.

11.The Chairman cum Managing Director
Alliance Bajaj Life Insurance Company Limited
GEPlaza, Airport Road, Yerawada, Pune – 411 006.

12.The Superintendent of Police
Crime Branch CID (North Zone)
Chennai. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent herein to

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transfer the investigation from the hands of the 12th respondent, based upon the petitioner's compliant dated 15.12.2004, which was originally submitted to the 5th respondent herein, to the Central Bureau of investigation, the 8th respondent herein, to unearth the total Life Insurance Scam and consequently to file fresh charge sheet based upon the investigation.

For Petitioner	: Mr.L.Chandra Kumar (in both WPs)
For R1 to R6	: Mr.S.Ravichandran Additional Government Pleader (in WP.No.10089 of 2008)
For R1 to R7 & R12	: Mr.S.Ravichandran Additional Government Pleader (in WP.No.10090 of 2008)
For R7	: No Appearance (in WP.No.10089 of 2008)
For R8, R9 & R11	: No Appearance (in WP.No.10090 of 2008)
For R10	: Mr.T.K.Ram Kumar (in WP.No.10090 of 2008)

COMMON ORDER

The relief sought for in the writ petition in W.P.No.10089 of 2008 is to direct the 1st respondent to to transfer the investigation from the hands of the 5th respondent, based upon the petitioner's compliant dated 26.02.2007, to the

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Central Bureau of investigation (CBI), the 7th respondent, to unearth the murder case and proceed in accordance with law.

2. The relief sought for in the writ petition in W.P.No.10090 of 2008 is to direct the 1st respondent to transfer the investigation from the hands of the 12th respondent, based upon the petitioner's compliant dated 15.12.2004, which was originally submitted to the 5th respondent, to the Central Bureau of investigation, the 8th respondent, to unearth the total Life Insurance Scam and consequently to file fresh charge sheet based upon the investigation.

3. The petitioner states that his younger brother K.R.Mohan Kumar was a practising advocate before the High Court as one of the partners in M/s.Anand and Suryas, a registered Law Firm in Chennai. The brother of the petitioner died on 07.12.2003 in an alleged road accident at 100ft Jawaharlal Nehru Road, Anna Nagar, opposite to back side of SBOA School, Chennai. The petitioner states that though it was alleged to be an accident, the nature and manner of death was suspicious. Thus, the petitioner made a complaint to the Police Station and no action was taken. The investigation was not properly done by the Police Authorities and the efforts taken by the petitioner went in vain and thereafter, the petitioner is constrained to move these

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present writ petitions.

4. The learned Additional Government Pleader appearing on behalf of the respondents made a submission that a criminal case was registered and a report was filed before the VI Metropolitan Court at Egmore in C.C.No.7617 of 2004. The case was closed based on the final report as mistake of fact on 04.03.2022.

5. This Court is of the considered opinion that since the case was closed as mistake of fact, at this length of time the relief as such for to transfer the investigation need not be considered by this Court.

6. Accordingly, these Writ Petitions stand dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

12.04.2023

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Index : Yes
Speaking order
Neutral Citation : Yes

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S.M.SUBRAMANIAM, J.

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