



W.P.No.16974 of 2023
and
W.M.P.No.23908 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 10.11.2023

Coram:

THE HONOURABLE DR.JUSTICE G. JAYACHANDRAN

W.P.No.16974 of 2023
and
W.M.P.No.23908 of 2023

S.Menaka

.. Petitioner

/versus/

1.Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai.

2.The Commissioner of Police,
Avadi Commissionerate, Avadi,
Chennai 600 054.

3.The Deputy Commissioner of Police,
Office of the Deputy Commissioner of Police,
Ambattur,Chennai.

4.The Assistant Commissioner of Police-Ambattur,
Office of the Assistant Commissioner of Police,
Ambattur,Chennai.



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5.The Inspector of Police,
T-1, Police Station, Ambattur,
Chennai.

6.The Superintendent of Police-CBCID,
Tamil Nadu Crime Branch, CID Hqrs., Office
Egmore, Chennai.

.. Respondents

Writ Petition has been filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the 1st respondent to transfer the investigation in Crime No.539 and 540 of 2022 on the file of T1 Ambattur Police Station to CBCID.

For Petitioner :Mr.G.Mohana Krishnan

For Respondent :Mr.S.Udaya Kumar
Govt.Advocate (crl.side)

ORDER

This petition is filed for transfer of investigation from the T1 Ambattur Police Station to CBCID.

2. The petitioner is the wife of K.S.K.Nepolian Socraties alleging that she was put up to immense physical and mental abuse including dowry

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demand by her husband and his family members. The complaint was given by her to the Inspector of Police, All Women Police Station, Ambattur on 17.06.2019 against her husband and family members. Since no action was taken against them, the defacto complainant has filed CrI.O.P.No.26200 of 2019 before the High Court to register the complaint. However, when the police reported that her complaint was enquired and closed, the High Court disposed her petition with a liberty to challenge the closure report. Thereafter, a written complaint dated 15.09.2021 was lodged with the Deputy Commissioner, Assistant Commissioner and Inspector, All Women Police Station, Ambathur and subsequently, filed a petition for direction under Section 156(3) Cr.P.C., in CrI.M.P.No. 248 of 2022 before the Judicial Magistrate, Ambattur to probe into the complaint and file final report. This complaint was registered in Cr.No.19 of 2022 by the All Women Police Station. Knowing that the complaint was registered, E.M.K.Kabilar went to the All Women Police Station, Ambattur, influenced the Inspector and created ruckus inside the police station and an attempt was made by him to



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bribe the Inspector. In this connection, a case in Crime No.539 of 2022 was registered against E.M.K.Kabilar by T1 Police Station, Ambattur.

3. While so, alleging that the said First Information Report against E.M.K.Kabilar is not available in the police record and apprehending that there will not be proper investigation in the matter, writ of Mandamus is filed seeking transfer of investigation.

4. The learned Government Advocate (Crl.Side) submitted that the contention of the petitioner that file regarding Crime No.539 of 2022 is missing, is not factually correct. Regarding the occurrence, initially, the case was registered under the Prevention of Corruption Act and having found that the said Prevention of Corruption Act will not get attracted, the complaint was closed and fresh complaint under Crime No.540 of 2022 was registered and investigation is almost completed. Within two month, the final report in Crime No.540 of 2022 will be filed with respect to the incident took place



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inside the police station. As far as Crime No.19 of 2022 concerned, the investigation is completed and final report is likely to be filed within a period of one month.

5. From the above submission of the learned Government Advocate (Crl.Side), it appears the investigation in both the cases are almost completed, the request of the petitioner herein to transfer the investigation on the ground that there is no progress in the investigation, is found to be not correct. Likewise, the alleged missing of records in Crime No.539 of 2022 is also reported to be not correct.

6. The only apprehension now as expressed by the learned counsel appearing for the petitioner is that whether the respondent police has properly investigated the incident, which took place inside the police station and culminated in registering the First Information Report in Crime No.540 of 2022. This can be tested only, after filing the final report and no decision



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or conclusion to be drawn at this stage. Hence, this question is left open for the petitioner to agitate if necessary after filing of final report.

7. Accordingly, this Writ Petition is disposed of. No costs.
Consequently, connected Miscellaneous Petition to implead is closed.

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Index:yes/no

Netural Citation:yes/no

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7.The Public Prosecutor, High Court, Madras.



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