



W.P. No.25536 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.12.2023

CORAM :

THE HONOURABLE Dr. JUSTICE **G.JAYACHANDRAN**

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Vijayalakshmi

.. Petitioner

Vs.

- 1.The Commissioner of Police,
Chennai City,
Vepery, Chennai 600 007.
- 2.The Deputy Commissioner of Police,
Crime against Women a & Children Wing,
Greater Chennai Police,
Greaves Road, (Thousand Lights Police
Station Campus), Thousand Lights,
Chennai – 600 006.
3. The Revenue Divisional officer cum
Executive Magistrate,
Guindy Taluk, Chennai – 600 032.
- 4.The Inspector of Police,
J-3 Guindy Police Station,
Chennai – 600 032.
- 5.S.Karthick.

..Respondents



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PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India, Writ of Mandamus, directing the 1st respondent to transfer the investigation in Cr.No.21 of 2023 pending on the file of 4th respondent police to the 2nd respondent in accordance with law.

For Petitioner : Ms.Vijayalaksmi K.Rajaratnam
For Respondents 1 to 4 : Mr.Leonard Arul Joseph Selvam,
Government Advocate (Crl.Side)

ORDER

This Writ Petition is filed seeking Mandamus for change of investigation in Cr.No.21 of 2023 pending on the file of 4th respondent police to the 2nd respondent Police.

2. The primary allegation in the affidavit filed in support of the petition is that the 4th respondent has not taken note of material produced and necessary for the investigation. The manner in which, the investigation conducted does not inspire confidence of the defacto complainant.

3. The learned Government Advocate (Crl.Side) took notice and today stated that on completion of investigation final report has been filed for offence under Section 306 IPC and the same is under



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consideration by the Court below.

4. Since investigation completed and final report filed for alleged offence under Section 306 IPC, even though, the learned counsel for the petitioner states that there are enough material to frame charges apart from Section 306 IPC and also for offence under Section 498A IPC. This Court is of the view that based on the material collected by the prosecution, the trial Court shall apply its mind independently and frame necessary charges, if the petitioner is not satisfied with the same, she shall recourse of the other legal process available with law.

5. With this observations, this Writ Petition is disposed of. No costs.

11.12.2023

Internet : Yes/No

Index: Yes/No

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Dr.G.JAYACHANDRAN, J.

rkp

To

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Crime against Women a & Children Wing,
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- 4.The Inspector of Police,
J-3 Gunidy Police Station,
Chennai – 600 032.
5. The Public Prosecutor,
Madras High Court,
Madras.

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