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W.P. No.29889 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.10.2023

CORAM :

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

W.P.No.29889 of 2023

Varaaki

... Petitioner

-VS-

- 1.The Government of Tamil Nadu,
Department of Home,
Rep. by its Secretary,
St.George Fort, Chennai – 600 009.
- 2.The Director General of Police,
No.1, Dr.Radhakrihna Salai,
Mylapore, Chennai – 600 004.
- 3.The Commissioner of Police,
132, EVK Sampath Road,
Vepery, Periyamet,
Chennai – 600 007.
- 4.The Central Bureau of Investigation (CBI),
Rep by its Director,
Rajaji Bhavan Complex, 3rd Avenue,
Besant Nagar, Chennai – 600 090.
- 5.The Inspector of Police,
Pallikaranai Police Station,



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Pallikaranai, Tambaram,
Chennai – 600 100.
(Crime No.763/2023)

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6.The Inspector of Police,
Chitlapakkam Police Station,
Pallikaranai, Chennai – 600 064.

...Respondents

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India to issue a writ of Mandamus, to consider the facts and circumstances of the case and to transfer the investigation in FIR No.763/2023 dated 18.08.2023 from the file of 5th respondent and FIR No.303/2023 dated 20.08.2023 from the file of 6th respondent to the 4th respondent and to investigate the matter within a stipulated time.

For Petitioner : Mr.P.Vijendran

For Respondents : Mr.S.Udaya Kumar,
Government Advocate (Crl.Side)

ORDER

The petitioner herein is a whistle blower. He claims that he had raised his voice against atrocity and corrupt practice of persons in high position. He is also claims to be a press reporter. He alleges that two false complaints against him have been registered, one by the 5th respondent in F.I.R. No.763 of 2023 dated 18.08.2023 and another FIR by the 6th respondent in F.I.R. No.303 of



2023 dated 20.08.2023.

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2. The case of the petitioner is that the manner in which, the case has been foisted against him within span of two days and a tenor of the complaint clearly shows that a tailor-made invented allegation to prevent him from exposing him from the police brutality and illegality. According to him, this is an attempt to intimidating him and silent his voice. Therefore, apprehending that there will not be proper investigation by the 5th and 6th respondents, the investigation has to be transferred to the 4th respondent viz., CBI and investigate the matter within a stipulated time.

3. This Court has gone through the materials relied by the petitioner herein for seeking transfer of investigation. The materials placed by him particularly, the conversation between him and the police recorded does not, on the face of it, appear the police is inimical towards the petitioner or they may not be able to investigate the case impartially. Further the charges alleged against him, does not need any specialized premier agency for investigation.



4. The apprehension expressed by the petitioner herein for transfer of investigation is that the higher police official being inimical towards him, the Investigation Officer investigating in this case may not be able to investigate the case without external influence. This Court is of the view that if this fear is entertained, the same may be applicable to CBI also. Therefore, for the present, mistrusting the Investigation Officer as partial does not arise and hence the petition for transfer of investigation is dismissed. The learned Government Advocate (Crl.Side) states that within a period of three months, the investigation will be completed and the same is recorded. No costs.

19.10.2023

Internet : Yes/No
Index : Yes/No
rkp

To

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2.The Director General of Police,
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5. The Inspector of Police,
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Chennai – 600 100.
(Crime No.763/2023)
6. The Inspector of Police,
Chitlapakkam Police Station,
Pallikaranai, Chennai – 600 064.
7. The Public Prosecutor,
Madras High Court, Madras.



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Dr.G.JAYACHANDRAN, J.

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