



W.P.(MD)No.14026 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.11.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.14026 of 2021

Kuppusamy

... Petitioner

Vs

1.The State Information Commissioner,
Tamil Nadu State Information Commission,
No.2, T.Nagar, Eldoms Road Junction,
Theynampet, Chennai-600 018.

2.The Public Information Officer,
Cum Appellate Authority,
the Superintendent of Police,
Virudhunagar District, Virudhunagar.

3.The Public Information Officer,
Assistant Deputy
Superintendent of Police, (Head Quarters)
Virudhunagar District,
Virudhunagar.

4.The Inspector of Police (Circle Inspector),
Vanniyampatti Vilakku Police Station,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to take appropriate action against the 3rd respondent on basis of his proceedings dated 27.01.2021 in Order No.SA 10852/A/2020 and consequently direct the 3rd and 4th respondents to provide information under RTI Act on the basis of the petitioner's representation dated 12.03.2021



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For Petitioner : Mr.S.Sukumar
For R-1 to R-3 : Mr.K.K.Senthil
For R-4 : Mr.R.Sivakumar,
Government Advocate
(Criminal Side)

ORDER

This Writ Petition has been filed for the issue of writ of mandamus directing the first respondent to take action against the third respondent based on the proceedings dated 27.01.2021 and consequently direct the third and fourth respondents to provide information sought for by the petitioner under the Right to Information Act, 2005.

2. Heard the learned counsel on either side.

3. The grievance of the petitioner is that a theft had taken place in his house and as a result, 18 ½ sovereigns of gold jewellery was stolen by some un-known persons. The petitioner gave a complaint in this regard before the fourth respondent and the same was registered in Crime No.121 of 2019 for offence under Sections 454 and 380 of I.P.C.

4. The petitioner was not satisfied in the manner in which the investigation was going on and the petitioner was not given any information with respect to the stage of investigation and the materials collected during



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investigation. Therefore, the petitioner made an application under the Right to Information Act, 2005 and sought for particulars. The third respondent through Proceedings dated 18.02.2020, declined to give the information sought for by the petitioner and this was confirmed by the second respondent in the appeal through an order dated 15.07.2020. The petitioner made the second appeal before the first respondent and the first respondent through a communication dated 27.01.2021, informed the third respondent that since the information sought for was not given to the petitioner, further action is contemplated under the Right to Information Act, 2005 and accordingly, notice was also issued in this regard. Thereafter, there was no progress and hence, the present Writ Petition has been filed before this Court.

5. When the matter was taken up for hearing today, the learned Government Advocate (Criminal Side) appearing on behalf of the fourth respondent submitted that initially a closure report was filed before the learned Judicial Magistrate No.II, Srivilliputhur as “Undetected”. The learned Judicial Magistrate refused to act upon the closure report and ordered for further investigation and to file a report within a period of three (3) months. Accordingly, further investigation was conducted and a final report was filed before the learned Judicial Magistrate No.II, Srivilliputhur and the same has been taken on file in C.C.No.157 of 2023. The case is now at the stage of service of summons on the accused persons and for their appearance.



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6. In the light of the above development, it is not necessary for the petitioner to seek for any independent information and the entire information is now available before the concerned Court by way of a final report and the documents filed along with the same. It will always be left open to the petitioner to approach the concerned Court and seek for Certified Copy of the relevant documents in line with Chapter XXVIII of the Criminal Rules of Practice, 2019.

7.This Writ Petition is disposed of with the above directions. No costs.

06.11.2023

NCC:yes/no
Index:yes/no
Internet:yes/no
tsg

To
The Inspector of Police (Circle Inspector),
Vanniyampatti Vilakku Police Station,
Virudhunagar District.



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N.ANAND VENKATESH, J.

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