



W.P.No.7757 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.11512 of 2024

V.Kadamban

... Petitioner

Vs.

1. The Chief Secretary,
Government of Tamilnadu,
Ft.St.George,
Chennai - 600 009.
2. The Director General of Police,
DGP Office, Mylapore,
Chennai - 600 004.
3. The Commissioner of Police,
Egmore, Chennai - 600 008.
4. T.Chitambaram Murugesan

... Respondents

Prayer: The Writ Petition is filed under Article 226 of Constitution of India for the issuance of a Writ of Mandamus, to direct the respondents to pay a sum of Rs.5 Crores as compensation for the agony caused towards the petitioner mentally and physically along with the 18 percentage of interest since the murder dated 26.03.2013 till the date of filing of the Writ Petition.



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For Petitioner : Miss.T.Nithya

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

ORDER

Writ petition is filed seeking mandamus to direct the respondents to pay a sum of Rs.5 Crores as compensation for the agony caused to the petitioner.

2. The short facts leading to this petition are as under:

On 26.03.2023, the mother of the petitioner was brutally murdered for gain and jewels were stolen. Pursuant to this, the respondent police registered the case in Cr.No.72 of 2013 for offence under Sections 397 and 302 of IPC. Since there is no progress in the investigation, the petitioner has filed an application for transfer of investigation to CBCID, Cuddalore.

3. This Court while declining the transfer of investigation, directed the respondent police to complete the investigation within a period of six months and the same should be monitored by the Superintendent of



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Police. However, inspite of this direction dated 31.07.2014, there was no progress in the investigation which has led to filing a contempt petition.

In the said contempt petition, the respondent police stated that on completion of investigation, referred charge sheet No.4 of 2015 filed on 02.11.2019.

4. The petitioner has filed CrI.OP.No.34479 of 2019 seeking direction to reopen the investigation and transfer the investigation to C.B.I. This Court on 05.03.2020 allowed the application with direction to transfer the investigation to CBCID, Cuddalore and with specific direction to complete the investigation within a period of three months from the date of receipt of the order copy. Again, there was delay in complying with the direction by CBCID, Cuddalore which forced the petitioner to file CrI.OP.No.16428 of 2021 to transfer the investigation to CBCID, Cuddalore. After considering the facts and circumstances of the case and taking note of the fact that CBCID, Cuddalore has completed the investigation and closed it as “undeducted”, taking note of the fact, the prayer for transfer of investigation after lapse of 11 years from the date of occurrence, this Court thought it fit that the petitioner shall challenge



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the closure report and proceed in the manner known to law and also approach the Court for compensation under Victim Compensation Scheme.

5. In the light of the above order passed in CrI.OP.No.16428 of 2021 dated 27.04.2023, the present petition is filed. This petitioner has not filed any protest petition to proceed privately as against the complaint, after receipt of the notice regarding referred charge sheet . Further, the petitioner has not approached the Court below which is competent to consider the application for Victim Compensation instead directly moved the High Court by way of filing writ petition. Since there is an alternative efficacious remedy available for the petitioner under the Victim Compensation Scheme, the petitioner shall approach the appropriate forum.

6. With this observation, writ petition is disposed of. No order as to costs.

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To

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4. The Public Prosecutor, High Court of Madras.



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Dr.G. JAYACHANDRAN, J.

Vv

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