



WP No.18296 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2024

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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P.Pugalenthir

: Petitioner

versus

1.State of Tamil Nadu,
rep. By the Principal Secretary to Government,
Home Department, Secretariat,
Chennai 600009

2.The Director General of Police,
Mylapore, Chennai 4

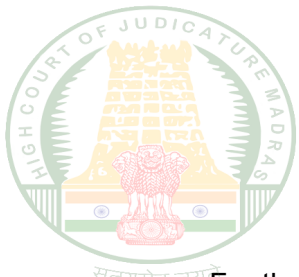
3.The Inspector General of Police,
South Zone, Madurai

4.Vellathurai

5.The Joint Director,
Central Bureau of Investigation,
South Zone, Chennai 600006

: Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the State of Tamil Nadu to register a case under section 302 IPC against respondent 4 and all those police personnel involved in the custodial death of Kumar @ Kokki Kumar, S/o.Pandi Muthu, Avarangadu, Thirupaachethi, Sivagangai District on 6.6.2013 and directing the respondent - State of Tamil Nadu to hand over the investigation of the said case to respondent 5 - Central Bureau of Investigation and further directing 2nd respondent to immediately transfer the fourth respondent to a non-sensitive post in some other district.



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For the Petitioner : Mr.M.Radhakrishnan

For Respondent No.1 : Mr.P.Muthukumar,
State Government Pleader

For Respondents 2, 3, 5 : Mr.R.Muniyapparaj,
Additional Public Prosecutor,
assisted by Mr.Sylvester John

For Respondent No.4 : Mr.S.Rajendra Kumar,
for M/s.Norton & Grant

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.R.Radhakrishnan, learned counsel for the petitioner, Mr.P.Muthukumar, learned State Government Pleader, for the first respondent, Mr.R.Muniyapparaj, learned Additional Public Prosecutor for respondents 2, 3 and 5 and Mr.S.Rajendra Kumar, learned counsel for the fourth respondent.

2. A status report is filed by the Inspector of Police, CBCID, Sivagangai District. It is stated that after the completion of a detailed investigation, based on the statement of witnesses and material evidences, the officer dropped further action in connection with Crime No.1/2018 and the notice was served upon the complainant/Boopathi, Head Constable and the same was acknowledged by him on the same day. A final report was filed before the Judicial Magistrate No.II, Sivagangai through e-filing No.RCS-LTN2023003201C20200002, dated 21.12.2023.



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3. The learned counsel for the petitioner submits that the petitioner would file a protest petition.

4. It is for the petitioner to take appropriate steps in that regard. It is further submitted that the fourth respondent has been transferred to Kanchipuram and is not serving in the original place.

5. In view of the above, the writ petition stands disposed of. There shall be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

09.01.2024

Index : Yes/No
Neutral Citation : Yes/No
tar

To

1.The Principal Secretary to Government,
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2.The Director General of Police, Mylapore, Chennai 4

3.The Inspector General of Police, South Zone, Madurai

4.The Joint Director,
Central Bureau of Investigation,
South Zone, Chennai 600006



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THE HON'BLE CHIEF JUSTICE

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