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W.P.No.3014 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2024

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THE HONOURABLE MR JUSTICE N.ANAND VENKATESH

W.P.No.3014 of 2024

Govindaraj Pandian

.. 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.Radhakrishnan Salai,
Mylapore, Chennai 600 004.
3. The Central Bureau of Investigation (CBI)
Rep. By its Director,
Rajaji Bhavan complex, 3rd Avenue,
Besant Nagar, Chennai 600 090
4. The Inspector of Police,
Sholavaram Police Station
Redhills, Chennai 600 007
5. MR.Jawahar
6. Mr.Sai Ganesh



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7. Mr.Rajkumar

8. Mr.Ramesh

9. Mr.Ashok

10. Mr.Sathish

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of a writ of Mandamus to direct the 1st and the 2nd respondent to seize the FIR.No. 803/2023 dated 03.10.2023 from the file of the 4th respondent police and to hand over the same to the file of the 3rd respondent and further direct the 3rd respondent to conduct effective investigation of the murder caused by the respondents 5-10 who are the offenders of the crime, in view of the direction issued by the National Human Rights Commission in respect of encounter.

For Petitioner	: Mr.P.Vijendran
For Respondents	: Mr.A.Damodaran
	Additional Public Prosecutor

ORDER

This writ petition was filed for the issue of writ of Mandamus directing the respondents 1 and 2 to transfer the investigation that is



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pending on the file of the 4th respondent in Crime No.803 of 2023 to any other investigation agency and to take action against the concerned police official, who had committed human rights violation.

2. When the matter came up for hearing on 12.02.2024, this Court passed the following order :-

When the matter was taken up for hearing, the learned Additional Public Prosecutor appearing on behalf of the respondents 1, 2 and 4 submitted that the Commissionerate of Avadi has made a requisition on 18.01.2024 to the Director General of Police requesting for the investigation to be conducted by CBCID and that the same is pending before the Director General of Police of Tamil Nadu for final decision.

2.In the light of the above development, this Court wants to await the decision to be taken by the Director General of Police.

3.Post this case under the same caption on 11.03.2024.

3. When the matter was taken up for hearing today, the learned



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Additional Public Prosecutor produced the proceedings of the Director General of Police dated 12.02.2024 and for proper appreciation, the same is extracted hereunder :-

In pursuance of the report received from the Commissioner of Police, Avadi Police Commissionerate vide letter read above, the Case Diary in Avadi Police Commissionerate, Sholavaram PS Crime No. 803/2023 u/s 294[b], 353, 324, 307, 506(ii) IPC and 27(1) Arms Act 1959 and 176(1-A) (i) Cr.PC is hereby ordered to be transferred to Crime Branch CID for further investigation.

2] In this regard, the said CD file containing pages 1 to 336 received from the Commissioner of Police. Avadi Police Commissionerate in sent herewith for taking further necessary action.

3] The Additional Director General of Police, Crime Branch CID is requested to instruct the concerned to receive the above CD file and connected records and nominate an Investigation Officer to take up further investigation.

4] Receipt of this proceedings along with the CD file in original should be acknowledged.

4. The learned Additional Public Prosecutor submitted that pursuant to the proceedings of the DGP dated 12.02.2024, the ADGP, CBCID, through proceedings dated 14.02.2024 has assigned the investigation to a police officer in



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the rank of Inspector of Police. The proceedings dated 14.02.2024 is also extracted hereunder :-

As per the Proceedings of the Director General of Police/ HoPF, Tamil Nadu, Chennai in the reference 2nd cited, the case registered in Avadi Police Commissionerate, Sholavaram PS Crime No.803/2023 u/s 294 (b), 353, 324, 30, 506(ii) IPC and 27 (1) Arms Act 1999 and 176 (1-A) (i) Cr.PC is transferred to Crime (0) Gand 27 (1) investigation. (Copy enclosed).

2) Consequent to the above, Tr. Purushothaman. Dy. Superintendent of Police, CBCID, Metro-II and Tmt.M.Josephine Lourdu Mary, Inspector of Police, CBCID, Metro-II are nominated as I.O and AIO respectively. The case diary file (containing pages 1 to 336) in Sholavaram PS Crime No.803/2023 u/s 29 (b), 353, 324, 30, 506(ii) IPC and 27 (1) Arms Act 1959 and 176 (1-A) (i) Cr.PC shall be received immediately.

3) The IO is instructed to send a copy of the FIR and plan of investigation to this office within a week time.

4) The IO is also instructed to complete the investigation expeditiously. He should also send the progress reports in time.

5. The learned Additional Public Prosecutor submitted that pursuant to the proceedings of the ADGP, CBCID, the FIR has also been re-registered in



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Crime No.1 of 2024 for offence under Section 294(b), 353, 324, 307, 506(2) of IPC and 27(1) of Arms Act, 1959 and Section 176(1A) (i) of Cr.PC

6. The learned counsel for petitioner submitted that considering the gravity of the offence committed and the regularity with which such encounters takes place, the investigation has to be directed to be conducted by a centralized agency.

7. In the considered view of this Court, this Court does not want to transfer the investigation to any centralized agency for the present. This Court is confident that the CBCID will be able to conduct a neutral investigation in this case and complete the same as expeditiously as possible. If during the passage of time, the investigation is not going in the right track, it is always left open to the petitioner to revive the claim seeking for transfer of investigation in this case.

8. This writ petition is disposed of in the above terms. No costs.

Index : Yes/No
Internet : Yes/No
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To

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St. George Fort,



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5. The Public Prosecutor, High Court, Madras

N.ANAND VENKATESH, J.

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