



W.P.No.20511 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.20511 of 2022

C.Ve.Shanmugam, B.A. B.L., M.P.,
S/o.C.Venugopal, Ex.M.P.,
No.3, 2nd Main Road,
Seethamal Colony,
Alwarpet, Chennai - 600 018.

... Petitioner

versus

1.The Secretary to Government,
Home Department,
Government of Tamil Nadu,
Secretariat, Chennai.

2.The Director General of Police,
Tamil Nadu, Chennai.

3.The Commissioner of Police,
No.131, EVK Sampath Road,
Vepery, Chennai.

4.The Inspector of Police,
E-2, Royapettai Police Station,
Royapettai, Chennai.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to transfer the investigation of FIR in Crime Nos.190 of 2022, 191 of 2022, 192 of 2022 and the CSR No.278 of 2022, dated 12.07.2022 and 291 of 2022, dated 23.07.2022

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related to the incident happened on 11.07.2022 pending on the file of the fourth respondent to CBI or any other special investigation team, constituted by this Court for proper investigation.

For Petitioner : Mr.M.Mohamed Riyaz
For Respondents : Mr.A.Selvendran
Special Government Pleader
for R1 and R2

Mr.S.Vinoth Kumar
Government Advocate (Criminal Side)
for R3 and R3

ORDER

This Writ Petition has been filed seeking for issuance of Writ of Mandamus, directing Respondents 1 to 3 to transfer the investigation of FIR in Crime Nos.190 of 2022, 191 of 2022, 192 of 2022, and CSR No.278 of 2022, dated 12.07.2022 and 291 of 2022, dated 23.07.2022, related to the incident that occurred on 11.07.2022, from the fourth respondent to the CBI or any other special investigation team constituted by this Court, for a proper and thorough investigation.

2. When the writ petition was taken up for hearing, the learned Judge, vide order dated 25.08.2022, observed as follows:



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"7. It appears that serious allegations were found in the First Information Report, with regard to the stealing of documents in the Head Quarters including R.C. books of 27 vehicles belong to the party. Photographs were annexed in the typed set of papers. Delay in lodging the First Information Report itself indicate that Police has not taken steps to register the First Information Report which clearly exhibits their inaction due to the reasons known to them.

8. As the Director General of Police, Head of Police Force had directed the Director General of Police, Crime Branch CID, Chennai, to nominate an Investigating Officer and instruct the concerned Officer to receive the CD files for further investigation, this Court is inclined to adjourn the matter to 19.09.2022. Let the investigation be done in a fair manner, unearthing all the material evidence and file a status report by then."

3. The learned counsel for the petitioner submits that despite the directions given by this Court in its order dated 25.08.2022, there has been no significant progress in the investigation. He would further submit that the petitioner apprehends that they will not receive a fair investigation and, therefore, requests that the investigation be transferred from the CBCID to the CBI.

4. *Per contra*, the learned Government Advocate (Criminal Side) submits that numerous documents are involved in the case, and all the documents have been submitted before the learned Magistrate. The petitioner has also obtained copies of these documents. He further states that there has been progress in the investigation. Subsequent to the order of this Court dated 25.08.2022, the CBCID



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has taken over the case, and the investigation is ongoing. Therefore, the learned learned Government Advocate (Criminal Side) prays for the dismissal of the writ petition.

5. Heard the learned counsel on either side and perused the materials available on record.

6. In the present matter, it is to be noted that the alleged offence occurred on 11.07.2022, and as of today, 15.11.2024, nearly two years have passed. Subsequent to the order of this Court dated 25.08.2022, the case has been transferred to the CBCID, and the investigation is ongoing. Hence, the respondent police are hereby directed to expedite the investigation and file the charge sheet as expeditiously as possible. Both the petitioner and the respondents are hereby directed to extend their full cooperation to the investigation for its early completion.

7. With the above directions, the writ petition is disposed of.

15.11.2024

Index: Yes/No
Speaking Order : Yes/No
Neutral Citation Case : Yes/No

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To
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- 1.The Secretary to Government,
Home Department,
Government of Tamil Nadu,
Secretariat, Chennai.
- 2.The Director General of Police,
Tamil Nadu,
Chennai.
- 3.The Commissioner of Police,
No.131, EVK Sampath Road,
Vepery, Chennai.
- 4.The Inspector of Police,
E-2, Royapettai Police Station,
Royapettai, Chennai.
- 5.The Public Prosecutor,
High Court, Madras.



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