



WEB COPY



W.P.No.34964 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.34964 of 2023

M.Bagavath Singh

... Petitioner

.Vs.

1.The Director General of Police
Mylapre, Chennai-600 004.

2.The Commissioner of Police
Greater Chennai Police
Vepery, Chennai 600 007.

3.The Additional Director General of Police
CBCID Egmore
Chennai 600 008.

4.The Inspector of Police
Madhavaram, Chennai.

5.The Inspector of Police
Central Crime Branch-II
Anti-Land Grabbing Special Cell-II
Vepery, Chennai 600 007.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to consider the representation dated 1.12.2023 of the petitioner to transfer the investigation to the 3rd respondent and take on file for investigation.

For Petitioner : Mr.J.Sudhakaran

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor

ORDER



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This writ petition has been filed for the issue of a writ of mandamus directing the 1st respondent to consider the representation made by the petitioner on 01.12.2023, wherein the petitioner has sought for transfer of the investigation pending on the file of the 4th respondent to any other investigating agency.

2.Heard Mr.J.Sudhakaran, learned counsel for the petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor for the respondents.

3.It is seen from records that the petitioner had earlier filed a compliant before the Central Crime Branch, Land Grabbing Cell and this complaint was enquired and it was closed on 27.12.2016.

4.The petitioner has been agitating this dispute before various forums and the petitioner did not get any reliefs and no action was also taken by the police. Hence, the petitioner wants the investigation to be transferred to some other agency.

5.The transfer of investigation will arise only if an FIR is registered under Section 154 Cr.PC. Till then, at the best, it is only in the realm of enquiry. If the police do not properly enquire and do not register an FIR, the petitioner has an effective alternative remedy under Section 156(3) Cr.PC. The petitioner can file an application before the concerned jurisdictional Magistrate Court, seeking for a direction to register an FIR along with all the relevant documents. Thereafter,



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depending upon the directions given by the Magistrate, the petitioner can workout his remedy.

6.In the light of the above discussion, no useful purpose will be served in directing the 1st respondent to deal with the representation made by the petitioner on 01.12.2023. Liberty is granted to the petitioner to file an appropriate application before the jurisdictional Magistrate Court under Section 156(3) Cr.PC, and proceed further in accordance with law.

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

04.01.2024

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
KP

N. ANAND VENKATESH., J

KP



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Central Crime Branch-II
Anti-Land Grabbing Special Cell-II
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6. The Public Prosecutor,
High Court, Madras.

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