



W.P.(MD)No.976 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.01.2024

CORAM

THE HONOURABLE Mr. JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P.(MD)No.976 of 2024

and

W.M.P.(MD).No.1003 of 2024

M.Raju

... Petitioner

Vs.

1.The Director General of Police,
Radhakrishnan Salai,
Mylapore,
Chennai – 4.

2.The Superintendent of Police,
Trichy District.

3.The Inspector of Police,
Vaiyampatti Police Station,
Trichy District.
(Crime No.365 of 2023)

4.The Inspector of Police,
CBCID,
Trichy- 20.

5.Raju

... Respondents



W.P.(MD)No.976 of 2024

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the Respondent Police to transfer the investigation in Crime No.365 of 2023 from the file of the third Respondent to the fourth Respondent Police or any other competent Police based on the Petitioner's representation dated 18.12.2023.

For Petitioner : Mr.T.Augustine Ebenezer

For R-1 to R-4 : Mr.T.Senthil Kumar,
Additional Public Prosecutor

For R-5 : Mr.C.Muthu Saravanan

ORDER

This Writ Petition is filed seeking for issuance of a Writ of Mandamus seeking transfer of investigation in Crime No.365 of 2023 from the file of the third Respondent to any other agency, based on the Petitioner's representation dated 18.12.2023.

2. When the case came up for hearing, the learned Counsel for the Petitioner sought an adjournment to engage a Senior Counsel to proceed with the argument.



W.P.(MD)No.976 of 2024

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3. The learned Additional Public Prosecutor on instructions of the Respondents 1 to 4, would submit that the Petitioner was arrayed as Accused No.3 in Crime No.365 of 2023. Further he submitted that as per the FIR, the Petitioner's daughter alleged to have an illicit relationship with her husband's relative namely, Senthilkumar, who is arrayed as Accused No.2. As per the FIR, the Petitioner's daughter is arrayed as Accused No.3. Therefore, only to derail the investigation, the Petitioner had filed this petition seeking transfer of investigation.

4. In view of the law laid down by the Hon'ble Supreme Court reported in **(2018) 10 SCC 753** in the case of ***Romila Thapar and Others Vs. Union of India and Others***, the accused cannot invoke power under Section 482 Cr.P.C seeking direction for further investigation or transfer the investigation. It is only for the Complainant and the witnesses.

5. To the query of this Court whether an accused has the right to file such a petition seeking transfer of investigation, as per the reported ruling of the Hon'ble Supreme Court stated supra, it is stated that only the complainant or victim of crime can seek transfer of investigation and not an accused, the



W.P.(MD)No.976 of 2024

learned Counsel for the Petitioner stated that he is seeking engagement of Senior Counsel. In the facts of the case, the submission of the learned Counsel for the Petitioner seeking transfer of investigation cannot at all be granted.

6. Hence, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

29.01.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr

To

- 1.The Director General of Police,
Radhakrishnan Salai,
Mylapore,
Chennai – 4.
- 2.The Superintendent of Police,
Trichy District.
- 3.The Inspector of Police,
Vaiyampatti Police Station,
Trichy District.
- 4.The Inspector of Police,
CBCID,
Trichy- 20.



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W.P.(MD)No.976 of 2024

SATHI KUMAR SUKUMARA KURUP,J.

Nsr

W.P.(MD)No.976 of 2024

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