



WP(MD) No.4619 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: **29.02.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE SATHI KUMAR SUKUMARA KURUP**

W.P.(MD) No.4619 of 2024

M.Muthumari

... Petitioner

/vs./

1.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai – 600 004.

2.The Commissioner of Police,
Alagar Kovil Road,
Madurai City.

3.The Deputy Commissioner of Police,
Madurai City.

4.The Assistant Commissioner of Police,
Theppakulam Police Station,
Madurai City.

5.The Inspector of Police (Crime),
Theppakulam Police Station,
Madurai City.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the fifth Respondent to strictly adhere



WP(MD) No.4619 of 2024

to the judgment and guidelines of the Hon'ble Supreme Court of India, in the case of “Arnesh Kumar -versus- State of Bihar [2014] 8 S.C.R 128 in Criminal Appeal No.1277 of 2014 dated 02.07.2014 in respect of the fifth Respondent Crime No.24 of 2024 dated 21.01.2024.

For Petitioner : Mr.V.Pavel

For Respondents : Mr.B.Thanga Aravindh
Government Advocate
(Criminal Side)

ORDER

The learned Counsel for the Petitioner submitted that the Petitioner had filed this petition for Writ of Mandamus, seeking direction against the fifth Respondent to strictly adhere to the judgment and guidelines of the Hon'ble Supreme Court of India, in the case of “*Arnesh Kumar -versus- State of Bihar [2014] 8 S.C.R 128 in Criminal Appeal No.1277 of 2014 dated 02.07.2014*”, in respect of the fifth Respondent Crime No.24 of 2024 dated 21.01.2024.

2. It is the contention of the learned Counsel for the Petitioner that the Petitioner is arrayed as Accused No.3 in Crime No.24 of 2024 dated 21.01.2024 for the offences punishable under Sections 406, 420, 120-B IPC, on the file of the Inspector of Police, Theppakulam Police Station, Madurai City. It is the further contention of the learned Counsel for the Petitioner that prior to the



WP(MD) No.4619 of 2024

registration of FIR also, the Petitioner co-operated with the enquiry. Now, the Writ Petition had been filed seeking direction to follow the guidelines of the Hon'ble Supreme Court in the case of “***Arnesh Kumar -versus- State of Bihar [2014] 8 S.C.R 128 in Criminal Appeal No.1277 of 2014 dated 02.07.2014.***”

3. The learned Government Advocate (Criminal Side) objects to the submission of the learned Counsel for the Petitioner, stating that the Petitioner as an accused cannot dictate the investigation team by filing such Writ Petition. He would also submit that this Writ Petition is not maintainable. Since the Investigation Officer had issued summons, the Petitioner instead of appearing before the Investigation Officer, had approached this Court. Therefore, the learned Government Advocate (Criminal Side) seeks to dismiss this Writ Petition.

4. In the light of the reported ruling of the Hon'ble Supreme Court in the case of ***Arnesh Kumar -versus- State of Bihar [2014] 8 S.C.R 128 in Criminal Appeal No.1277 of 2014 dated 02.07.2014,*** the Petitioner is directed to co-operate with the investigation and the Respondent Police are directed to follow the guidelines in the case of Arnesh Kumar stated supra.



WP(MD) No.4619 of 2024

WEB COPY

5. With the above direction, this Writ Petition is disposed of. No costs.

29.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Nsr

TO:

- 1.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai – 600 004.
- 2.The Commissioner of Police,
Alagar Kovil Road,
Madurai City.
- 3.The Deputy Commissioner of Police,
Madurai City.
- 4.The Assistant Commissioner of Police,
Theppakulam Police Station,
Madurai City.
- 5.The Inspector of Police (Crime),
Theppakulam Police Station,
Madurai City.



WEB COPY



WP(MD) No.4619 of 2024

SATHI KUMAR SUKUMARA KURUP, J.

Nsr

Order made in
W.P.(MD)No.4619 of 2024

Dated:
29.02.2024