



W.P(MD)No.9313 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.9313 of 2024

and

W.M.P.(MD)No.8499 of 2024

Vivekananthan M V Nathan

... Petitioner

Vs

1. The Director General of Police,
Office of the Director General of Police,
Santhome, Chennai 600 004.

2. The Director,
Crime Branch CID,
Egmore, Chennai 600 008.

3. The Inspector of Police,
Central Crime Branch,
Tirunelveli City.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to order the transfer of the investigation in Crime No. 16/2023 presently from the files of the 3rd respondent to the file of the 2nd respondent considering the petitioner's representation, dated 24.01.2024.

For Petitioner : Mr. D.Selvanayagam

For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor



W.P(MD)No.9313 of 2024

ORDER

WEB COPY

This Writ Petition has been filed seeking issuance of a direction to the 1st respondent to transfer the investigation in Crime No. 16/2023 from the file of the 3rd respondent to the file of the 2nd respondent.

2.The learned counsel for the petitioner/defacto complainant has approached this Court to transfer the investigation in Cr.No.16 of 2023 on the following grounds:

- Though the first accused has been arrested by the 3rd respondent, he has failed to take him under police custody for further interrogation;
- The 3rd respondent failed to take any steps to freeze the bank accounts of the accused persons;
- The 3rd respondent failed to inform the petitioner about the bail applications filed by the co-accused;

Hence, the petitioner prays this Court to transfer the investigation in Crime No. 16 of 2023 from the file of the 3rd respondent to the file of the 2nd respondent.



W.P(MD)No.9313 of 2024

WEB COPY

3.The aforesaid grounds are not valid grounds for transferring the investigation from one agency to another agency. It is the duty of the Police official to conduct an investigation in a fair and proper manner. This Court cannot give any direction to the investigation agency, the manner in which, the investigation has to be done. It is the exclusive privilege and prerogative of the police, which cannot be interfered with. However, if the petitioner finds that the investigation is not being done in a proper manner, he can very well seek a remedy under Section 173(8) of Cr.P.C before the concerned Magistrate.

4.In view of the above facts, this Court is not inclined to interfere with the investigation conducted by the 3rd respondent. This Court feels that the 3rd respondent is conducting the investigation in a fair and proper manner and directs the 3rd respondent to conclude the investigation in the aforesaid case as expeditiously as possible.



W.P(MD)No.9313 of 2024

5. With the above directions, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

17.04.2024

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

PNM

To

1. The Director General of Police,
Office of the Director General of Police,
Santhome, Chennai 600 004.

2. The Director,
Crime Branch CID,
Egmore, Chennai 600 008.

3. The Inspector of Police,
Central Crime Branch,
Tirunelveli City.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



W.P(MD)No.9313 of 2024

B.PUGALENDHI, J.

PNM

ORDER IN
W.P(MD)No.9313 of 2024
and
W.M.P.(MD)No.8499 of 2024

17.04.2024