



W.P(MD)No.9310 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.04.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.9310 of 2024

and

W.M.P.(MD)No.8496 of 2024

Rajammal

...Petitioner

Vs.

- 1.The state represented by its
Director General of Police,
Government of Tamil Nadu,
O/o.Director General of Police,
Chennai.
- 2.The Superintendent of Police,
O/o.Superintendent of Police,
Virudhunagar District.
- 3.The Superintendent of Police CBCID,
O/o.Superintendent of Police CBCID,
Virudhunagar,
Virudhunagar District.
- 4.The Deputy Superintendent of Police CBCID,
O/o.Deputy Superintendent of Police CBCID,
Virudhunagar,
Virudhunagar District.



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5.The Deputy Superintendent of Police,
O/o.Superintendent of Police,
Sathur, Virudhunagar District.

6.The Inspector of Police,
O/o.Inspector of Police,
Sathur Town Police Station,
Sathur, Virudhunagar District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent Nos.1,2 to withdraw the case in Final Report/Charge Sheet in FR-379/2023 dated 27.12.2023 under 147,148,120(B),294(B),302,506(2) of IPC, Sections 3(1)(r), 3(1)(s) and 3(2)(v) of SC/ST (Prevention of Atrocities) Act 1989 r/w Section 109 of IPC on the file of respondent No. 5 and entrust the same to Respondent No.3 and 4 for an investigation of the case by a Competent Officer or any other independent investigating agency within the time stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy
Senior Counsel

For Respondents : Mr.P.Kottai Chamy
Government Advocate(Crl.Side)



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ORDER

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This Writ Petition has been filed seeking issuance of a Writ of Mandamus, to direct the 1st and 2nd respondents to withdraw the case on the file of the 5th respondent and transfer the same to the 3rd and 4th respondent.

2.The learned Senior Counsel appearing for the petitioner submitted that the respondent police has not conducted the investigation in a proper manner and there was a motive of one Ramamoorthy, who is the trustee of Erukankudi Temple in the occurrence. However, the same has not been considered by the Investigation Officer while conducting the investigation. Also, the learned Senior Counsel appearing for the petitioner submitted that there was a contact between the said Ramamoorthy and the accused before the commission of offence. The respondent police have not collected the call details and they have not conducted the investigation in a proper manner.

3.The learned Government Advocate (Crl. Side) for the respondents submitted that the investigation in Crime No.358 of 2023



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has already been completed and a final report has been filed before the learned Special Court, Srivilliputhur, and the same was taken on file in Spl.S.C.NO.1 of 2024 on 27.12.2023. The petitioner has already approached the Deputy Superintendent of Police, Sathur, the same was verified by the Deputy Superintendent of Police, Sathur and the complaint of the petitioner was closed as the allegations are vague in nature.

4.This Court considered the rival submissions made.

5.The petitioner has approached this Court for a transfer of investigation. It is reported that the final report has already been filed before the learned Special Court, Srivilliputhur, and the same is taken on file in Spl.S.C.NO.1 of 2024 on 27.12.2023.

6.Therefore, this Court is not inclined to entertain this petition for transfer of investigation. Accordingly, this Writ Petition is dismissed with liberty to the petitioner to file an application before the concerned Special Court. In the event, if the petitioner makes out a case, the concerned Court shall take a call on the application to be filed by the



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petitioner. Consequently, connected miscellaneous petition is closed. No costs.

23.04.2024

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

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To

- 1.The Director General of Police,
Government of Tamil Nadu,
O/o.Director General of Police,
Chennai.
- 2.The Superintendent of Police,
O/o.Superintendent of Police,
Virudhunagar District.
- 3.The Superintendent of Police CBCID,
O/o.Superintendent of Police CBCID,
Virudhunagar,
Virudhunagar District.
- 4.The Deputy Superintendent of Police CBCID,
O/o.Deputy Superintendent of Police CBCID,
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- 5.The Deputy Superintendent of Police,
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Sathur, Virudhunagar District.



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B.PUGALENDHI, J.

jbr

6.The Inspector of Police,
O/o.Inspector of Police,
Sathur Town Police Station,
Sathur, Virudhunagar District.

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

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