



W.P(MD)No.23532 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)No.23532 of 2024

and

W.M.P(MD)No.19922 of 2024

K.Poolpandian

: Petitioner

Vs.

1.The Director General of Police,
Chennai.

2.The Superintendent of Police,
Tuticorin District,
Tuticorin.

3.The Inspector of Police,
Alwarthirunagari, Tuticorin District.

4.The Inspector of Police,
CBCID, Tuticorin.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the first respondent transfer the investigation in connection with the Crime No.76 of 2024 in the file of the fourth respondent to any other competent



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investigation agency and direct the investigation agency to complete the investigation and file final report within the time frame that may be stipulated by this Court by considering the petitioner's representation, dated 17.09.2024.

For Petitioner : Mr.D.S.Haroon Rasheed,
for Mr.S.Sathyachidambaram,

For Respondents : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor.

ORDER

This Writ Petition has been filed seeking orders to direct the first respondent transfer the investigation in connection with the Crime No.76 of 2024 n the file of the fourth respondent to any other competent investigation agency and direct the investigation agency to complete the investigation and file final report within the time frame that may be stipulated by this Court by considering the petitioner's representation, dated 17.09.2024.

2. It is evident from the records that FIR came to be registered in Crime No.76 of 2024 for the offence under Section 103 of BNS against one Petchimuthu.



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3. The learned Additional Public Prosecutor appearing for the State would submit that they have added one more accused, who is the brother's son of the petitioner and the first accused is the brother of the petitioner.

4. The main contention of the petitioner is that there is no finger print in the wooden log which is alleged to have been used by the petitioner's brother, that the petitioner's brother was at his father-in-law's home at the time of alleged occurrence and that they have CCTV footage to prove the same. Admittedly, the location of the petitioner's son's cell phone was nowhere available at the place of occurrence and he was present at difference place.

5. The learned Additional Public Prosecutor would submit that they have located the cell phone particulars and they came to know that the first accused switched of his mobile phone on that day and that the investigation is pending.

6. At this point of time, the petitioner has not shown any other valid reason or ground to transfer the investigation. Hence, this Writ Petition is



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dismissed. The petitioner is at liberty to produce the CCTV footage and other particulars available with them to the third respondent. The third respondent is directed to proceed with the investigation and the second respondent is directed to monitor the investigation. Consequently, connected Miscellaneous Petition is closed. No costs.

03.10.2024

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

To

- 1.The Director General of Police,
Chennai.
- 2.The Superintendent of Police,
Tuticorin District,
Tuticorin.
- 3.The Inspector of Police,
Alwarthirunagari, Tuticorin District.
- 4.The Inspector of Police,
CBCID, Tuticorin.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J

das

Order made in
W.P(MD)No.23532 of 2024
and
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03.10.2024