



W.P.(MD)No.25472 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:12.12.2024

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.25472 of 2023

A.Arul Anthuvan

... Petitioner

Vs.

1.The Superintendent of Police,
Office of Superintendent of Police,
District Police Office,
Thirumayam Road,
Pudukkottai District,
Pudukkottai - 622001.

2.The Inspector of Police,
Pudukkottai District Crime Branch,
District Police Office,
Thirumayam Road,
Pudukkottai District,
Pudukkottai - 622001.

3. The Inspector of Police,
CBCID, Pudukkottai,
Crime Branch,
Crime Investigation Department,
No.58/5, Nijam Colony,
Ama Nagar, Pudukkottai - 622 001.

4. Suriyakumari
(R4 is *suo motu* impleaded Vide Court

... Respondents



W.P.(MD)No.25472 of 2023

Order dated 20.10.2023)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing change of investigation agency from the file of 2nd respondent to Crime Branch, Crime Investigation Department, Pudukkottai (CB-CID) and thereby direct the CB-CID, Pudukkottai to enquire the matter on the basis of the complaint made by the petitioner Company.

For Petitioner : Mr.S.I.Muthiah

For Respondents : Mr.S.Ravi
Additional Public Prosecutor
for R1 to R3
Mr.R.Venkateswar for R4

ORDER

This writ petition has been filed for the issue of a writ of mandamus to change the investigation agency from the file of the second respondent to the file of CBCID.

2.The learned Additional Public Prosecutor, on instructions, submitted that a complaint was given by the petitioner and on enquiring the complaint, it was found that no cognizable offence is made out and hence after enquiry, the complaint was closed on 29.07.2023.



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3.In the light of the above submission made by the learned Additional Public Prosecutor, there is no question of changing investigation since the investigation can commence only after the registration of an FIR. Admittedly, not even an FIR has been registered in this case. Therefore, if the petitioner is aggrieved by the fact that the police did not register the FIR on the complaint, the petitioner has to work out the remedy before the Magistrate by seeking for a direction to the police to register an FIR or on the alternative, to file a private complaint against the other side. Except giving this clarity, no further orders can be passed in this writ petition.

4.This writ petition is disposed of accordingly.

12.12.2024

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



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2.The Inspector of Police,
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Crime Branch,
Crime Investigation Department,
No.58/5, Nijam Colony,
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4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.ANAND VENKATESH,J.

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