



W.P.Nos.5517 of 2024 & 2187 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.5517 of 2024 & 2187 of 2025

W.P.No.5517 of 2024 :-

S.A.Bhimaraja

... Petitioner

Vs.

1. The Home Secretary,
Government of Tamil Nadu,
Fort St. George, Secretariat,
Chennai – 600 009.

2. The Commissioner of Police,
Tambaram Commissionerate,
Sholinganallur, Chennai – 600 119.

3. The Superintendent of Police,
Chengalpattu Distirct.

4. The Deputy Commissioner of Police,
Central Crime Branch,
Tambaram Commissionerate,
Sholinganallur,
Chennai – 600 119.

5. The Inspector of Police (ALGSC),
Central Crime Branch,
Tambaram Commissionerate,
Sholinganallur, Chennai – 600 119.



W.P.Nos.5517 of 2024 & 2187 of 2025

WEB.COM

6. The Inspector of Police,
District Crime Branch,
Chengalpattu District.

7. R.Mohan Ranganathan
(R7 impleaded vide order
dated 18.03.2025 made in
W.M.P.No.9968 of 2025
in W.P.No.5517 of 2024)

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 & 2 to transfer the investigation in Crime No.9 of 2021 dated 07.10.2021 pending on the file of the fifth respondent to CB-CID or any other appropriate agencies for fair and proper investigation in pursuant to the petitioner's representation dated 13.02.2023.

W.P.No.2187 of 2025 :-

1. N.Kandasamy
2. N. Mohan

... Petitioners

Vs.

1. The Home Secretary,
Government of Tamil Nadu,
Secretariat, Fort St. George,
Chennai – 600 009.

2. The Director General of Police,
Government of Tamil Nadu,
Radhakrishnan Salai,
Mylapore, Chennai – 600 004.



W.P.Nos.5517 of 2024 & 2187 of 2025

3. The Commissioner of Police,
Tambaram Commissionerate,
Sholinganallur, Chennai – 600 119.

4. The Assistant Commissioner of Police,
Tambaram Commissionerate,
Sholinganallur, Chennai – 600 119.

5. The Inspector of Police,
Anti Land Grabbing Special Cell,
Central Crime Branch,
Tambaram Commissionerate,
Sholinganallur,
Chennai – 600 119.

6. The Additional Director General of Police,
CB-CID, No.220,
Pantian Road, Egmore,
Chennai – 600 006.

7. The Joint Director & Head of Zone,
Central Bureau of Investigation III Floor,
EVK Sampath Building, College Road,
Chennai – 600 006.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 3, to transfer the investigation in Crime No.22 of 2023 dated 23.09.2023 pending on the file of the fifth respondent to CB-CID or CBI viz., the sixth or seventh respondents herein or any other appropriate agencies for fair and proper investigation.



WEB COPY



W.P.Nos.5517 of 2024 & 2187 of 2025

In both WPs.

For Petitioners : Mr.K.Mahalingam

For Respondents : Mr.A.Gopinath
Government Advocate (Crl. Side)

COMMON ORDER

Both the writ petitions have been filed for transfer of investigation in Crime Nos.9 of 2021 & 22 of 2023, respectively from the file of the fifth respondent to the file of the CB-CID for fair and proper investigation.

2. In both the First Information Reports, though the complainants are different, the accused are one and the same. After registration of both the FIRs, the fifth respondent completed the investigation and closed the same as 'further action dropped'. Thereafter, the fifth respondent filed closure report in both the FIRs, before the learned Judicial Magistrate No.II, Chengalpattu. On receipt of the referred charge sheet, both the complainants filed protest petitions objecting the acceptance of the closure report. The learned Magistrate after conducting detailed enquiry, refused to accept the closure report and directed the fifth respondent to further investigate the case, on the ground that the averments made in the complaint are likely disclosed the



W.P.Nos.5517 of 2024 & 2187 of 2025

commission of offence. Therefore, the investigation has been taken by the Assistance Commissioner of Police, Tambaram Commissionerat and proceeded with investigation.

3. While being so, both the complainants filed these writ petitions for transfer of investigation in both crimes on the ground that the main accused is an Advocate, who has influence with the fifth respondent. In fact, the defacto complainants were impersonated and cancelled the sale deed dated 20.10.2006 registered vide document No.9228 of 2006, which resulted in registration of FIR in Crime No.16 of 2007. However, under the influence of the accused, the said FIR has been closed as 'mistake of fact'. On fresh cause of action, the present FIR came to be registered in Crime No.9 of 2021 and the same was also closed as 'further action dropped', by the closure report dated 09.03.2023.

4. After the directions issued by this Court, another FIR has been registered for the different set of allegations by the different complainant in Crime No.22 of 2023. Unfortunately, it was also closed as 'further action dropped' by the closure report dated 24.12.2023. On receipt of the closure report, the complainants filed protest petitions



W.P.Nos.5517 of 2024 & 2187 of 2025

before the learned Judicial Magistrate-II, Chengalpattu, in

Crl.M.P.Nos.1361 & 1724 of 2024 and the learned Magistrate after considering the objections raised by the complainants, refused to accept the closure report and directed the investigating officer to conduct further investigation. Therefore, if the investigation continues with the very same investigation agency, though the Assistant Commissioner of Police had taken charge as investigating officer, the petitioner could not get fair and proper investigation.

5. On instructions, the learned Government Advocate (Crl. Side) appearing for the respondents submitted that now the investigation has been taken over by the Assistance Commissioner of Police and it is pending.

6. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

7. The learned Judicial Magistrate-II, Chengalpattu, in both the protest petitions in Crl.M.P.Nos.1361 & 1724 of 2024, ordered for further investigation by the orders dated 25.04.2024 and 03.06.2024,



W.P.Nos.5517 of 2024 & 2187 of 2025

respectively. However, so far, the Assistance Commissioner of Police, CCB, did not even file any status report before this Court in respect of the present status of the investigation in the both the crimes. It shows that the Assistant Commissioner of Police is also not conducted any further investigation, after the order passed by the learned Magistrate. Further, once the investigating officer closed the FIR as no cognizable offence is made out and the Court interfered and found some cognizable offence is made out as per the averments, it would not be proper to conduct further investigation by the same investigation agency. Therefore, it would be proper to transfer the investigation from the file of the fifth respondent to CB-CID for fair and proper investigation, since the entire allegations are about land grabbing by impersonation and falsification of documents.

8. In view of the above discussions, the entire investigation in Crime Nos.9 of 2021 and 22 of 2023 are hereby withdrawn from the file of the fifth respondent and transferred to the file of the sixth respondent in W.P.No.2187 of 2025 viz., the Additional Director General of Police, CB-CID, Chennai. The fifth respondent is directed to transfer the entire case dairy in respect of Crime Nos.9 of 2021 and 22 of 2023 to the sixth



W.P.Nos.5517 of 2024 & 2187 of 2025

respondent and on receipt of the same, the sixth respondent is directed to engage an investigating officer not less than the rank of Assistant Commissioner of Police. The said investigating officer is directed to complete the investigate in both Crime Nos.9 of 2021 and 22 of 2023 and file final report within a period of sixteen weeks from the date of receipt of the entire case diary.

9. With the above directions, both the Writ Petitions stand disposed of. There shall be no order as to costs.

18.03.2025
(3/5)

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

rts

To

1. The Home Secretary,
Government of Tamil Nadu,
Fort St. George, Secretariat,
Chennai – 600 009.

2. The Commissioner of Police,
Tambaram Commissionerate,
Sholinganallur, Chennai – 600 119.

3. The Superintendent of Police,
Chengalpattu Distirct.



W.P.Nos.5517 of 2024 & 2187 of 2025

4. The Deputy Commissioner of Police,
Central Crime Branch,
Tambaram Commissionerate,
Sholinganallur,
Chennai – 600 119.

5. The Inspector of Police (ALGSC),
Central Crime Branch,
Tambaram Commissionerate,
Sholinganallur, Chennai – 600 119.

6. The Inspector of Police,
District Crime Branch,
Chengalpattu District.

7. The Director General of Police,
Government of Tamil Nadu,
Radhakrishnan Salai,
Mylapore, Chennai – 600 004.

8. The Assistant Commissioner of Police,
Tambaram Commissionerate,
Sholinganallur, Chennai – 600 119.

9. The Additional Director General of Police,
CB-CID, No.220,
Pantian Road, Egmore,
Chennai – 600 006.

10. The Joint Director & Head of Zone,
Central Bureau of Investigation III Floor,
EVK Sampath Building, College Road,
Chennai – 600 006.

11. The Public Prosecutor,
Madras High Court, Chennai.



WEB COPY



W.P.Nos.5517 of 2024 & 2187 of 2025

G.K.ILANTHIRAIYAN, J.

rts

W.P.Nos.5517 of 2024
& 2187 of 2025

18.03.2025
(3/5)