



WP.No.7332 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2025

CORAM:

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

W.P.No.7332 of 2025

Thanga. Muthukrishnan

... Petitioner

Vs.

National Investigation Agency (NIA),
No.10, Millers Road,
Purasaiwalkam,
Chennai – 600 010.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to consider and dispose of the petitioner's representation dated 09.01.2025, within a time frame as may be fixed by this Court.

For Petitioner : Mr.Thanga. Muthukrishnan
Party-in-person

For Respondent : Mr.R.Karthikeyan
Special Government Pleader



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ORDER

This petition has been filed for direction, directing the respondent to consider the petitioner's representation dated 09.01.2025, and dispose the same, within a time frame as may be fixed by this Court.

2. On perusal of the representation dated 09.01.2025 submitted by the petitioner, it is revealed that the petitioner sought for direction to change of investigation in S.C.No.6 of 2004 by the respondent. The case of the petitioner is that the petitioner expressed the atrocities of terrorism and treason and disruptive activities of the Muslims in public and for taking appropriate action. Therefore, they set fire on the petitioner's shop and gutted the entire shop on 16.07.1990. In pursuant to the said occurrence, though FIR has been registered, thereafter no action has been taken so far. While being so, they also planned to murder the petitioner and they sent a parcel bomb. However, his wife alone was the victim and while it was opened by his wife, she died. In pursuant to the said occurrence, FIR has been registered in Crime No.637 of 1995. However, the prime accused was not secured so far. After completion of



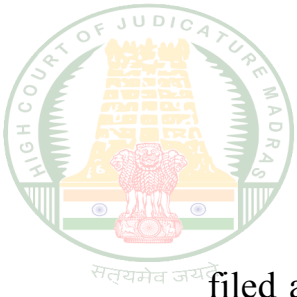
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investigation, the police filed final report and the same has been taken cognizance in S.C.No.6 of 2004 on the file of the TADA Court, Poonamalle and after completion of trial, eight persons were convicted. As against the conviction, the accused had filed appeals in CrI.A.Nos.161 & 312 of 2012 and both appeals were allowed and acquitted them. As far as the absconding accused is concerned, the case has been split up and it is still pending. The petitioner apprehends that if the said accused is secured, the said case would have been dismissed. Therefore, the petitioner sought for investigation by the respondent.

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

4. Section 6 of the National Investigation Agency Act, 2008 says that only on the direction issued by the Central Government, the investigation is to be done by the respondent. In the case on hand, already the entire investigation has been completed. In fact, some of the accused persons were convicted by the trial Court and subsequently they



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filed appeals and the same were allowed and acquitted them. Therefore, at this stage, the investigation cannot be done once again by the respondent and the representation made by the petitioner cannot be considered. However, the trial Court is directed to take appropriate steps to secure the absconding accused and proceed with trial in accordance with law.

5. Accordingly, the Writ Petition stands dismissed. There shall be no order as to costs.

03.03.2025

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

rts



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To

1. The Judge,
TADA Court,
Poonamalle.

2. The National Investigation Agency (NIA),
No.10, Millers Road,
Purasaiwalkam,
Chennai – 600 010.

3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.
rts

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