



W.P.No.27428 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 29.07.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

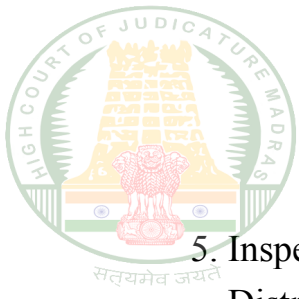
W.P.No.27428 of 2025 and
W.M.P.No.30805 and 30807 of 2025

A.Thirugnanasambandhamoorthy
Managingn Trustee-"Sough India Trust"
S/o.Late.Arunagiri (INA)
16/1A, Ramalinganar 10th Street
Tiruvannamalai - 606 601

... Petitioner

Vs.

1. The Director of Inspector General (DIG)
Vellore - 632 001
2. District Superintendent of Police
District Superintend Office
Tiruvannamalai - 606 604
3. District Assistant Superintendent of Police
District Crime Branch, Tiruvannamalai - 606 604
4. The Director General of Police (DGP)
Chennai - 04



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5. Inspector of Police

District Crime Branch, Tiruvannamalai - 606 604

6. Tamilnadu Crime Branch

CID Hqrs Office, No.24, Pantheon Road

Komaleeswaranpet, Egmore, Chennai - 600 008

7. Rajasekaran

Rajasekaran Associates

No.C14, Rajapriya Apartment Jakiriya Colony

2nd Street, Kodambakkam, Chennai - 600 024

8. Victoria

Victory Enterprises

No.52, Ameerkana Street

Choolaimedu, Chennai - 600 094

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus directing the second respondent to consider the representations dated 14.12.2018, 04.11.2019, 17.04.2020, 29.04.2020 and 28.07.2021 and direct the 5th respondent to comply the order dated 17.07.2017 in CMP No.6534/2017 passed by Judicial Magistrate-I, Tiruvannamalai.

For Petitioner : Mr.V.Nandagopalan

For Respondents 1 to 6 : Dr.C.E.Pratap
Government Advocate (Crl. Side)



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ORDER

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This Writ Petition has been filed by the petitioner to direct the second respondent to consider the representations of the petitioner dated 14.12.2018, 04.11.2019, 17.04.2020, 29.04.2020 and 28.07.2021 and direct the fifth respondent to comply with the order dated 17.07.2017 passed in C.M.P.No.6534 of 2017 by the Judicial Magistrate-I, Tiruvannamalai.

2. The case of the petitioner is that he had initially lodged a complaint against the private respondents herein, before the second respondent/District Superintendent of Police in the year 2016 who inturn forwarded the same to the second respondent/District Assistant Superintendent of Police for further action. However, no action was taken on the petitioner's complaint. Hence the petitioner approached the Judicial Magistrate-I, Tiruvannamalai, by way of filing a petition in CMP No.6534 of 2017 under Section 156(3) Cr.P.C. and the learned Magistrate, after considering the petition, by order dated 17.07.2017, directed the fifth respondent/police to conduct investigation and file final

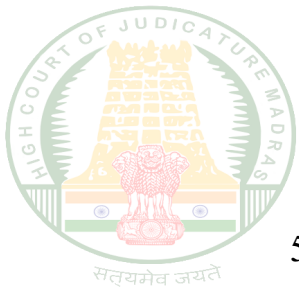


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report within a period of three months. Even after the directions issued by the learned Judicial Magistrate, no action was taken by the fifth respondent police and hence, the petitioner made several representations to the respondents police. Despite the same, there was no response. Therefore, the petitioner is constrained to file the present petition.

3. When the matter is taken up for hearing, the learned Government Advocate (Crl. Side) appearing for the respondents 1 to 6, submitted that the alleged occurrence had not taken place in the fifth respondent's jurisdiction and hence, further action was dropped and that the petitioner was advised to approach the CCB Chennai. In support of the said statement, the learned Government Advocate (Criminal Side) produced a communication dated 16.03.2023 addressed to the ;learned Judicial Magistrate No.I, Tiruvannamalai.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondents 1 to 6 and perused the materials available on record.



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5. It is not in dispute that the petitioner had first given a complaint to the second respondent herein in the year 2016. Since no case was registered based on the petitioner's complaint, the petitioner approached the learned Judicial Magistrate, by invoking Section 156(3) of the Criminal Procedure Code. On 17.07.2017, the learned Magistrate directed the fifth respondent/Police to investigate the matter and to file a final report within three months. Despite the specific order of the learned Magistrate, the fifth respondent-Police did not investigate or file the charge sheet. Hence, the petitioner sent several representations to the Police authorities, however no action was taken. Therefore, the petitioner was constrained to file this petition.

6. It is unfortunate that, although the learned Magistrate gave a specific direction in the year 2017 to complete the investigation and to file the final report within a period of three months, the Police has closed the complaint only in the year 2023 i.e. on 16.03.2023, almost six years later stating that, it was outside their jurisdiction. Further, while the closure report was sent to the



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Magistrate, no copy was furnished to the petitioner. Had the petitioner been informed earlier, this petition might not have been necessary, as it has been filed in the year 2025 seeking a direction to consider his representations that were periodically submitted to the second respondent from 2018 onwards i.e on 14.12.2018, 04.11.2019, 17.04.2020, 29.04.2020 and 28.07.2021. Instead of complying with the learned Magistrate's direction to investigate and file the report, the fifth respondent allowed the matter to remain pending for six years and thereafter communicated to the learned Magistrate on 16.03.2023 that the alleged incident had not occurred within their jurisdiction of Tiruvannamalai District and thereby, advised the petitioner to approach the Chennai CCB. Such conduct reflects a clear disregard for the court's order and an unwarranted resort to technicalities, rather than extending assistance to the public in need.

7. It is pertinent to note that when the learned Magistrate had given a clear direction to conduct investigation and file the final report within a stipulated time, the duty is cast on the fifth respondent-Police to comply the

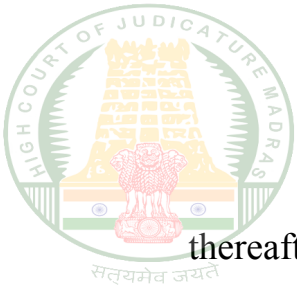


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same, without any delay. If they were of the view that the matter did not fall within their jurisdiction, they ought to have forwarded the complaint immediately to the competent police station. Keeping the matter pending for several years and then closing it, is a serious lapse in the discharge of their duties.

8. It is apposite to note that the aggrieved parties cannot be compelled to run from one police station to another seeking redress when the law casts a duty upon the police, in the event of lack of jurisdiction, to promptly forward the complaint to the appropriate station.

9. Hence, the fifth respondent is directed to comply with the order of the Magistrate without any delay. In case the fifth respondent finds no jurisdiction, the fifth respondent shall transmit the complaint to the jurisdictional police concerned forthwith, viz., CCB, Chennai. On receipt of the same, the CCB, Chennai or the jurisdictional police concerned, shall thereupon take up the investigation and file the charge sheet within a period of three months



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thereafter.

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10. It is made clear that failure to comply the said directions, will make both the fifth respondent and the concerned jurisdictional Investigating Officer personally held liable and this Court will not hesitate to initiate suo motu contempt proceedings.

11. With the above directions, this Criminal Original Petition is disposed of at the admission stage itself. Consequently, connected Miscellaneous Petitions are closed.

29.07.2025

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To

1. The Judicial Magistrate-I,
Tiruvannamalai

2. The Director of Inspector General (DIG)
Vellore - 632 001

3. District Superintendent of Police
District Superintend Office, Tiruvannamalai - 606 604

4. District Assistant Superintendent of Police
District Crime Branch, Tiruvannamalai - 606 604

5. The Director General of Police (DGP)
Chennai - 04

6. Inspector of Police
District Crime Branch, Tiruvannamalai - 606 604

7. Tamilnadu Crime Branch
CID Hqrs Office, No.24, Pantheon Road
Komaleeswaranpet, Egmore, Chennai - 600 008

8. The Public Prosecutor
High Court of Madras, Chennai.

Copy to:

The Inspector of Police
CCB, Chennai.



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P.VELMURUGAN,J.

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