



W.P(MD) NO.10127 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.DHANABAL

W.P(MD) No.10127 of 2025

A.E.Muthukumar

... Petitioner

vs.

1.The Secretary to Government,
Home Department,
St.George Fort,
Chennai.

2.The Deputy Superintendent of Police,
CBCID, Tirunelveli.

3.The Superintendent of Police,
Kanyakumari District at Nagercoil.

4.The Inspector of Police,
Suchindaram Police Station,
Kanyakumari District.

5.The Director General of Police,
Dr.Radhakrishansalai,
Mylapore, Chennai – 4.

6.The Director,
Central Bureau of Investigation,
New Delhi.



W.P(MD) NO.10127 of 2025

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7.The Joint Director,
Central Bureau of Investigation,
3rd Floor, E.V.K.Sampath Building,
College Road,
Chennai – 600 006.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus, to direct the first respondent to transfer the investigation to the file of 7th respondent from the 2nd respondent based on the petitioner's representation dated 29.05.2024.

For petitioner :Mr.S.Sureshkumar

For respondents : Mr.R.M.Anbunithi
Additional Public Prosecutor (Crl.Side)

ORDER

This petition is filed by the petitioner to direct the first respondent to transfer the investigation to the file of the seventh respondent from the second respondent based on the petitioner's representation, dated 29.05.2024.

2. The learned counsel for the petitioner would submit that both the parents of the petitioner died in an accident and thereby, the petitioner's grandmother lodged a complaint before the fourth respondent and thereby,



W.P(MD) NO.10127 of 2025

they registered a case in Crime No.1061 of 2011. Thereafter, the petitioner's grandmother filed a petition in CrI.O.P.(MD)No.12627 of 2012 seeking transfer of investigation and the same was ordered by directing Deputy Superintendent of Police to conduct the investigation within six months and file Final Report before the jurisdictional Judicial Magistrate Court. Thereafter, a contempt petition in Cont.P.(MD) No.992 of 2018 was filed and in the contempt petition, the investigation was transferred to the file of the Deputy Superintendent of Police, CBCID. Thereafter, the petitioner's grandmother sent a representation to respondents 1 and 5 to 7. Further, the petitioner's grandfather and grandmother died on 08.02.2016 and 15.05.2019, respectively and thereafter, the petitioner came to know about the proceedings. Even after the transfer of investigation to the second respondent, no proper investigation was conducted. The petitioner sent another representation, dated 29.05.2024 to the respondents 1, 5 and 7, but no any reply was sent to the petitioner. Therefore, he filed this petition.

3. The learned Additional Public Prosecutor (CrI.Side) for the respondents would submit that already in this case, the investigation was completed and Final Report was filed before the learned Judicial



W.P(MD) NO.10127 of 2025

Magistrate-I, Nagercoil. Therefore, the transfer of the case would not arise

and there is no specific allegation against the second respondent and only vague allegations, because of the non-consideration of the representation dated 29.05.2024 sent seeking transfer of investigation. Therefore, this petition is liable to be dismissed.

4. This Court heard both sides and perused the records.

5. According to the petitioner, the fourth respondent, based on the complaint lodged by the grandmother of the petitioner, registered a case in Crime No.1061 of 2011, for the offences under Sections 302 of IPC r/w 27(3) of Arms Act, 1959 and thereafter, the case has been transferred to the second respondent through order, dated 05.07.2017 in Cont.P.(MD) No.992 of 2018 in Crl.OP(MD)No.12627 of 2012. Thereafter, the second respondent has not conducted proper investigation. The second respondent denied the allegations and already they conducted investigation and filed Final Report.

6. This Court already perused the records. There is no specific allegation against the investigating agency to transfer the case and only



W.P(MD) NO.10127 of 2025

contention of the petitioner is to consider the petitioner's representation, dated 29.05.2024 and the same has not been answered. Therefore, he filed this petition. Mere non-consideration of the representation sent by the petitioner is not a ground to transfer the case. However, the second respondent already filed Final Report before the learned Judicial Magistrate-I, Nagercoil. Hence, the transfer of the investigation would not arise in this case.

7. The learned counsel for the petitioner would submit that a copy of the Final Report has not been served to the petitioner. The petitioner is not defacto complainant in this case. However, the petitioner is at liberty to approach the Judicial Magistrate Court, where the Final Report is pending by filing appropriate application in accordance with law.

8. With the abovesaid observations and directions, this Writ Petition is disposed of.

09.04.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
apd



W.P(MD) NO.10127 of 2025

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W.P(MD) NO.10127 of 2025

P.DHANABAL,J

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W.P.(MD) No.10127 of 2025

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