

DATED : **12.03.2021**

CORAM

THE HONOURABLE **MR. JUSTICE N. ANAND VENKATESH****W.P.No.6591 of 2021**

- 
1. Government of India,
Rep.By Secretary to Government,
Ministry of Home Affairs,
New Delhi-110 001.
2. Government of Tamil Nadu,
Rep.by the Chief Secretary,
Fort St.George,
Chennai 600 009.
3. Government of Tamil Nadu,
Rep.By the Principal Secretary,
Home Department,
Fort St.George,
Chennai 600 009.
4. The Director General of Police-Tamil Nadu,
Dr.Radhakrishnan Salai,
Mylapore, Chennai 600 004.
5. The Director General of Police,
Crime Branch CID,
Egmore, Chennai 600 008.

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the CB-CID to effectively conduct the investigation in Crime No.1 of 2021, duly monitored by this Hon'ble Court and for a further direction to submit periodical status report on the progress made in the investigation before this Court and to complete the investigation as expeditiously as possible.

For Respondents : Mr. N. Ramesh
Central Government Senior Counsel
for R 1

Mr. Jayaprakash Narayanan,
State Government Pleader
for R 2 & R 3

Mr. M. Mohamed Muzammil,
Government Advocate (Crl. Side)
for R 4 & R 5

ORDER

After obtaining necessary orders from the Hon'ble Chief Justice, this suo moto Writ Petition was posted for hearing today.

2.Mr. N. Ramesh, Central Government Senior Panel

Counsel takes notice for the 1st Respondent.

3.Mr. Jayaprakash Narayan, State GP takes notice for Respondents 2 and 3.

4.Mr. M. Mohamed Muzammil, Government Advocate (Crl. Side) takes notice on behalf of the 4th and 5th Respondents.

5.Mr. A. Natarajan, learned State Public Prosecutor ("learned PP") appearing on behalf of the 4th and 5th Respondents submitted that the Investigation Officer ("I.O.") has already recorded the Section 161 statements of nearly 60 witnesses. The entire Case Diary was also circulated. The learned PP submitted that the State Government has taken up this issue very seriously and that the investigation is proceeding on the right lines and that no stone will be left unturned, in this regard. The learned PP further submitted that summons under Section 41-A of The Code of Criminal Procedure, 1973 has already been issued to A1 and A2 and a date has been fixed, directing them to be present before the I.O. in order to record their statements. The learned PP further submitted that the enquiry in the Internal Complaints Committee has also commenced parallelly and the developments therein was

also reported before this Court. It was brought to the notice of this Court that A2, namely the Superintendent of Police, Chengalpet has already been suspended, pending departmental inquiry. When this Court questioned the learned PP as to what action is being taken against A1 in this regard, the learned PP sought for some time to take instructions and report before this Court. The learned PP also submitted that a detailed status report explaining the progress made in the investigation, will be filed before this Court during the next date of hearing.

6. This Court while passing orders on 01.03.2021, restrained the political parties and media from indulging in any discussion, touching upon the merits of this case. This Court also restrained them from using or exchanging the names of the victim officer, the accused persons and the witnesses. A representation was made before this Court to the effect that such a protection need not be given to the accused persons and therefore, a request was made to modify the earlier direction and to permit the use or exchange of name of the accused persons.

WWW.LIVELAW.IN

7.This Court will be failing in its duty if it does not acknowledge the restraint shown by the political parties and the media, after the orders were passed by this Court on 01.03.2021. The issue on hand does not confine itself to two individuals and there is a larger issue that requires an effective solution, and the interest of the entire police force in Tamil Nadu has to be taken into consideration. One of the main reasons as to why such a restraint was placed by this Court is that this Court, did not want a parallel media trial to take place in this case. The issue involved is quite sensitive and it requires to be handled with a lot of maturity, and at this stage both the State as well as this Court must maintain neutrality. Ultimately, the whole purpose of this Court monitoring this investigation is to find out the truth behind the alleged incident. This Court is satisfied with the manner in which the investigation has progressed in this case, and this Court hopes that it continues in the same spirit, and the investigation is completed as expeditiously as possible. The effectiveness of a criminal prosecution can be ensured only when it is completed at the earliest possible time and there is a certainty of punishment for the

accused person, if found guilty. Merely discussing about a case from all quarters will not yield the effective results.

8.In view of the above, the restraint imposed by this Court through its order dt.01.03.2021, will continue.

9.Post this case under the caption 'for filing status report' on 16.03.2021 at 2:15 P.M.

10.The case diary and the connected records which was handed over to this Court is handed back to the office of the learned PP in a sealed cover.

सत्यमेव जयते

12.03.2021

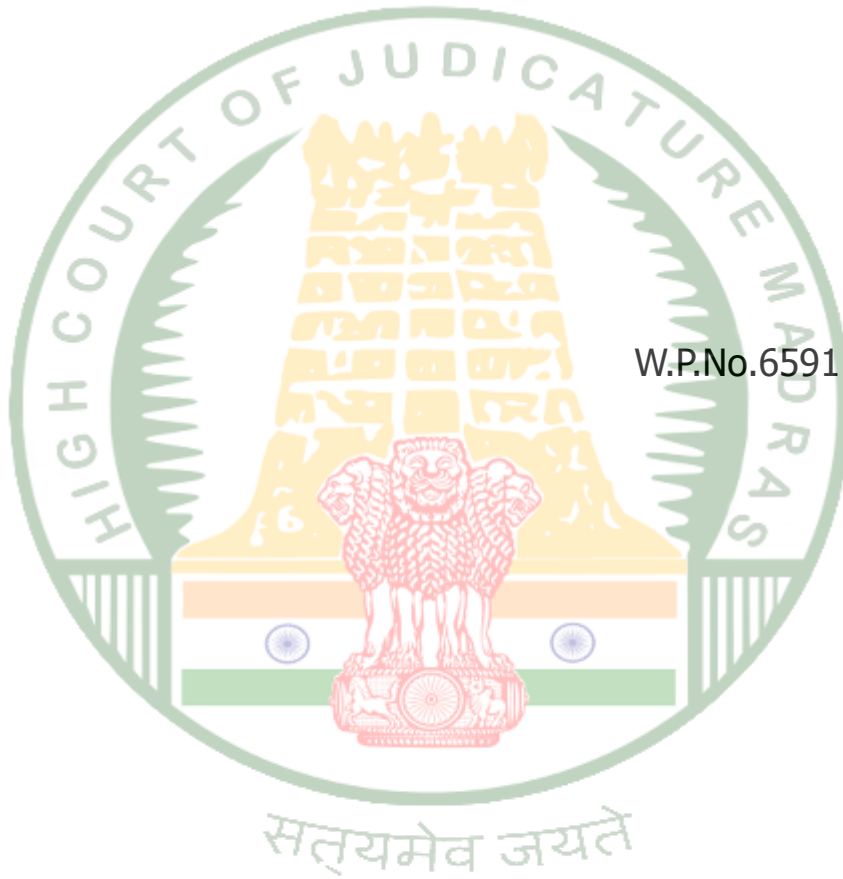
Index : Yes/No
Internet : Yes/No
KP

WEB COPY

To

WWW.LIVELAW.IN

1. Secretary to Government,
Government of India,
Ministry of Home Affairs,
New Delhi-110 001.
2. The Chief Secretary,
Government of Tamil Nadu,
Fort St. George,
Chennai 600 009.
3. The Principal Secretary,
Government of Tamil Nadu,
Home Department,
Fort St. George,
Chennai 600 009.
4. The Director General of Police-Tamil Nadu,
Dr. Radhakrishnan Salai,
Mylapore, Chennai 600 004.
5. The Director General of Police,
Crime Branch CID,
Egmore, Chennai 600 008.



W.P.No.6591 of 2021

WEB COPY 12.03.2021