



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:22.02.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

WP(MD) . No.8425 of 2021

N.Chandra

... Petitioner

Vs

1. The Deputy Inspector General of Police,
Office of the Deputy Inspector General of Police,
4, St.Thomas Road,
Maharajanagar,
Palayamkottai,
Tirunelveli - 627 001.

2. The Superintendent of Police,
Office of the Superintendent of Police,
Nagercoil,
Kanyakumari District.

3. The Special Police Force,
Office of the Superintendent of Police,
Nagercoil,
Kanyakumari District.

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

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to transfer the case in Cr.No. 43 of 2021 and 353 of 2020 on the file of the 4th respondent to some other police station for a detailed fair enquiry and consequently to consider the representation of the petitioner dated 23.03.2021.

For Petitioner : Mr.H.Elango

For Respondents : Mr.K.Sanjai Gandhi
Government Advocate (Crl.Side)

O R D E R

The Writ Petition has been filed in the nature of Writ of Mandamus, seeking a direction to the respondents to transfer the case in Cr.No. 43 of 2021 and 353 of 2020, on the file of the respondent to some other police station for a detailed fair enquiry and consequently to consider the representation of the petitioner, dated 23.03.2021.

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2.The petitioner is the mother of one Mani @ Manikandan, seeking transfer of investigation in Crime Nos.43 of 2021 and 353 of 2020, from the file of fourth respondent, to the file of any other investigating agency. The petitioner's son is an accused and involved in the following cases.

Sl.No	Police Station and Crime Number	Section of Law	Disposal/Present Stage of the case
1	AWPS, Colachel Cr.No.31/19, Dt. 05.07.2019	366, 392 IPC r/w 7, 8, 11(4), 12 POCSO Act	Under investigation
2	Colachel PS Cr.No.191/19, Dt. 21.08.2019	294(b), 324, 427, 506(ii) IPC	Under investigation
3	Karungal PS Cr.No.353/2020, Dt. 19.09.2020	8(c) r/w 20(b) (ii) (B) NDPS Act	Charge sheet filed and numbered
4	Ground Case Karungal PS Cr.No.43/21, Dt. 03.02.2021	8(c) r/w 20(b) (ii) (B) NDPS Act	Charge sheet filed and numbered

3.Based on the above materials, the detaining authority arrived at a subjective decision that the petitioner's son acted in the manner prejudicial to the Public Order and there is a compelling necessity to detain him, in order to prevent him from indulging in such activities in future, which are prejudicial to the maintenance of Public Order under the Provisions of the Tamil Nadu Act 14 of 1982. Therefore, he was detained by an Order dated 02.03.2021. Now, the petitioner is being the mother of said accused Mani @ Manikandan seeking transfer of investigation.

4.The accused cannot choose the investigating agency and as such, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PNM

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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TO

1. The Deputy Inspector General of Police,
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Office of the Superintendent of Police,
Nagercoil, Kanyakumari District.
4. The Inspector of Police,
Karungal Police Station,
Karungal,
Kanyakumari District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

WP(MD) No.8425 of 2021

Date : 22/02/2022

RD(08.03.2022) 3P 6C