



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.06.2022

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P (MD) .No.10945 of 2022

and

W.M.P (MD) No.7882 of 2022

Dharmaraj,

... Petitioner

Vs

1. The State Represented By,
The Superintendent of Police,
Nagercoil,
Kanyakumari District.

2. Radhakrishnan,
Sub Inspector of Police,
Puttukadai Police Station,
Puttukadai,
Kanyakumari District.

3. The Station House Officer,
Puttukadai Police Stations,
Puttukadai,
Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the first respondent to transfer the investigation of Crime No. 148/2022 from the second respondent, which is pending with the third respondent police station, to any other fair Officer.

For Petitioner : M/s. Robert Bruce C,
For Respondents : Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side)

ORDER

This Writ Petition has been filed in the nature of Mandamus, seeking a direction to the first respondent to transfer the investigation in Crime No. 148/2022 from the second respondent, which is pending with the third respondent police station, to any other fair Officer.



2.The learned Counsel appearing for the petitioner submitted that on 18.05.2022, the petitioner along with other relatives went to Kala Vilai, Arasakulam, to attend their relative's marriage in his son's Innova Crysta TN 75 AP 9999. While returning from the wedding house, the accused persons Selvanayagam S/o.Thanka Muthu and his Sons, namely, Sujin and Vijin, stopped the petitioner's car, abused him with filthy language, snatched his chain and also damaged the car. Hence, the petitioner lodged a complaint before the third respondent, on the same day. The police registered a case, but refused to register the fact that the accused persons had snatched the chain and requested to remove the allegation with regard to chain snatching. But the petitioner refused to do the same and lodged the complaint. Therefore, the respondent police registered an FIR in Crime No.148 of 2022 for the offences under Sections 147, 341, 294(b), 323, 427, 379 and 506(1) of IPC. Under these circumstances, the petitioner had lost faith upon the investigation officer and seeks to transfer the investigation to some other police official.

3.The learned Government Advocate (Crl.Side) submitted that based on the complaint lodged by the petitioner, the respondent police registered a case but Section 379 of IPC has been deleted from the case. Further, he stated that investigation is going on.

4.In view of the above, the petitioner has not brought any valid reason for changing the investigation officer. Hence, there is no ground made out for transferring the case to some other police official.

5.With the above observation, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

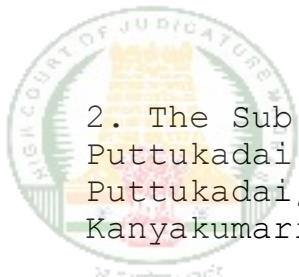
/ /2022

Sub Assistant Registrar(CS)

Lr

To

1. The Superintendent of Police,
Nagercoil,
Kanyakumari District.



2. The Sub Inspector of Police,
Puttukadai Police Station,
Puttukadai,
Kanyakumari District.

3. The Station House Officer,
Puttukadai Police Stations,
Puttukadai,
Kanyakumari District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.C.ROBERT BRUCE, Advocate (SR-24702[F] dated 09/06/2022
)

W.P (MD) .No.10945 of 2022
08.06.2022

RD(20.06.2022) 3P 6C