



W.P.(MD)No.27366 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.11.2024

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.(MD)No.27366 of 2024

M. Chinnadurai

... Petitioner

Vs.

1. The Superintendent of Police,
Thoothukudi District
Thoothukudi

2. The Deputy Superintendent of Police
PEW Wing
Thoothukudi District

3. The Inspector of Police
PEW Police Station
Thoothukudi District

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, seeking a Writ of Mandamus, directing the first respondent to conduct and complete the investigation proceedings in Crime No.585 of 2023 dated 29.08.2023 on the file of the third respondent by considering the petitioner's representation dated 07.10.2024 within a stipulated period as fixed by this Court.



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For Petitioner : Mr.J.David Ganesan
For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

ORDER

The prayer sought for in the present writ petition is to direct the the first respondent to conduct and complete the investigation proceedings in Crime No.585 of 2023 dated 29.08.2023 on the file of the third respondent by considering the petitioner's representation dated 07.10.2024 within a stipulated period as fixed by this Court.

2. The petitioner who is the father of the accused Mookandi Raja has sent a representation on 21.10.2024 on the letter pad of one political party, since he is a District Secretary of the said political party. The contention of the petitioner is that despite receiving the representation of the petitioner no action has been taken against the accused persons in C.C. No.62 of 2024 namely Tamilarasan and Athi @ Aneesh who are found absconding and roaming freely who are involved in transportation of commercial quantity of narcotics drugs.



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3. The learned Additional Public Prosecutor would submit that son the petitioner is arrayed as A4 in C.C. No. 62 of 2024 and facing trial for offences under Sections 8(c)r/w.20(b)(ii)(c), 25 and 29 of NDPS Act. In this case the contraband involved in this case is 228kgs which is a commercial quantity.

4. The contention of the petitioner on the merits of the case is that the petitioner being father of the accused backs for his son who is the accused in this case which is not permitted. The petitioner cannot have the choice of investigation and the manner of investigation. It is the purview of the investigation Officer. With regards to the merit of the case in C.C. No.62 of 2024 it is for the petitioner to file appropriate petition before the trial Court or before this Court and not by designing such writ petition.

5. The learned counsel appearing for the petitioner submit that as regards the son of the petitioner he was in possession of 10kgs of drugs alone and that too is disputed. It is only on the charge of conspiracy he has been roped in along with other accused



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6. Finding that the petitioner is the father of the accused in C.C.

No.62 of 2024 this Court finds no merits in the petition and is liable to be dismissed.

7. In the result, the Writ Petition stands dismissed. No costs.

18.11.2024

NCC : Yes / No

Index : Yes / No

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To

1. The Superintendent of Police,
Thoothukudi District
Thoothukudi
2. The Deputy Superintendent of Police
PEW Wing
Thoothukudi District
3. The Inspector of Police
PEW Police Station
Thoothukudi District
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

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