
(2002) 10 MAD CK 0180

In the Madras High Court

Case No : Writ Petition No. 18460 of 2002 and W.P.M.P. 25290 of 2002

G. Lawrence

APPELLANT

Vs

State of Tamilnadu

RESPONDENT

Date of Decision : 03-10-2002

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2002) 10 MAD CK 0180

Hon'ble Judges : P.D. Dinakaran, J

Bench : Single Bench

Advocate : R. Subramanian, for the Appellant; D. Krishnakumar, Special Govt. Pleader, for the Respondent

Judgement

P.D. Dinakaran, J.—The petitioner, who is admittedly an accused in Crime No.383 of 2000, before the 4th respondent police station complaining mala fide against the 4th respondent, Inspector of Police, namely, Mariappan seeks a writ of mandamus to direct the first respondent to transfer the investigation of the case in Crime No.383 of 2000 on the file of the Inspector of Police, Nithiravilai Police Station, Kanyakumari District to C.B.C.I.D. or other independent agency for proper investigation.

2. It is now well settled in law, that the accused has no right to select the investigating agency. The Supreme Court of India in Central Bureau of Investigation and another Vs. Rajesh Gandhi and another, has held that the accused cannot have a say in who should investigate the offence he is charged with and decision to investigate or the decision on the agency, which should investigate does not attract the principles of natural justice.

3. That apart, in case of such grievance, it may not be proper for this court to entertain the writ petition or to grant the relief as prayed for exercising the power conferred under Article 226 of the Constitution of India, as the petitioner has got an effect remedy under the provisions of the Code of Criminal Procedure, either before the Subordinate Court or before this Court u/s 482 Cr.P.C., which

provides inherent jurisdiction of this court. However, taking into account, the fact that the petitioner has already represented to the third respondent with regard to the mala fide of the 4th respondent, Inspector of Police namely, Mariappan, suffice it to direct the third respondent to enquire into the matter and pass appropriate orders in the matter.

4. The writ petition is disposed of accordingly. Consequently, the connected W.P.M.P. is closed. No costs.