

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON: 24.10.2016

PRONOUNCED ON: 02.11.2016

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH

W.P. No. 36891 of 2016

K.A.R. Menaasi Sutar

Petitioner

vs.

- 1 The Director General of Police
Dr. Radhakrishnan Salai
Chennai - 600 004
- 2 The Commissioner of Police
Greater Chennai
Vepery, Chennai
- 3 The Deputy Commissioner of Police
T. Nagar District
T. Nagar, Chennai - 17
- 4 Mr. Radhakrishnan
Assistant Commissioner of Police
(L & O) T. Nagar Range
T. Nagar
Chennai 17
- 5 Mr. Krishnamurthy
Inspector of Police (L & O)
R.1 Police Station
Mambalam
T. Nagar, Chennai - 17
- 6 Dr. D. Vadivel Mugundan
Chairman
St. John Ambulance Association (India)
Tamil Nadu Centre
No.1, Mayor V.R. Ramanathan Road (East)
Chetput
Chennai - 600 031

7 Mrs. B. Sundari
Honorary Secretary
St. John Ambulance Association (India)
Tamil Nadu State Centre
No.1, Mayor V.R. Ramanathan Road (East)
Chetput, Chennai - 600 031

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 2 and 3 to take necessary action on the petitioner's representation dated 28.09.2016.

For petitioner Mr. R. Narendran
For RR 1 - 3 Mr. C. Emalias
Addl. Public Prosecutor

ORDER

This writ petition is filed seeking a writ of mandamus directing the respondents 2 and 3 to take necessary action on the petitioner's representation dated 28.09.2016.

2 From the typed set of papers submitted by Mr. Narendran, learned counsel for the petitioner, it is seen that on the complaint lodged by the seventh respondent, viz., B. Sundari, Hony. Secretary, St. John Ambulance (India), the fifth respondent, i.e., the Inspector of Police, R-1 Mambalam Police Station, registered a case in Cr. No.3999 of 2015 on 19.12.2015 under Sections 294(b) and 506(I) read with Section 109 IPC against Mahalingam (A1), Meenaasi Suntar (A2/petitioner herein), Surya Narayanan (A3), Prabhakaran (A4) and others. Admittedly, the petitioner herein, was working as Superintendent in St. John Ambulance (India) since 1989 and was placed under suspension along with another staff by name Prabhakaran on the complaint given by Sundari.

3 In the police complaint given by Sundari, it is alleged by her that the sixth respondent herein, viz., Dr. Vadivel Mugundan, Hony. Chairman of St. John Ambulance (India) received threatening phone calls to his mobile phone from Mahalingam (96775 21802) and Suba Elangovan intimidating him and asking him to desist from taking any departmental action against Menaasi Suntar, Surya Narayanan and Prabhakaran. Hence, the FIR.

4 Based on the FIR, the police arrested Menaasi Suntar and remanded him to judicial custody and he has now been released on bail and after coming out on bail, Menaasi Suntar

has given a complaint dated 16.08.2016 to the Commissioner of Police, making allegations against the Chairman of St. John Ambulance (India) that he is not properly conducting the affairs of the organisation. He has also made allegations against Krishnamoorthy (the fifth respondent herein), who arrested him in Crime No.3999 of 2015, alleging bias against him. Thereafter, he has given a representation dated 28.09.2016 by Registered Post with Acknowledgment Due to the Deputy Commissioner of Police, T. Nagar, Chennai (the third respondent herein) levelling allegations against Krishnamoorthy. In that complaint, he has alleged that Sundari, the de facto complainant in Cr. No.3999 of 2015 is the mother-in-law of Mr.Sripal, retired Director General of Police and therefore, police are acting in a biased manner.

5 The learned counsel for the petitioner submitted that the complaint given by the petitioner to the authorities has been referred once again to the same Inspector of Police and therefore, this Court should direct the Deputy Commissioner of Police to dispose of the petitioner's representation dated 28.09.2016 as prayed for in the writ petition.

6 Per contra, the learned Additional Public Prosecutor, submitted that the petitioner is a suspended employee of St. John Ambulance (India) and he was threatening the Chairman of the organisation through anti-social elements, which had resulted in the FIR being filed against him and he being suspended and only to torpedo the investigation, he is making such representations to the higher authorities against all and sundry.

7 This Court gave its anxious consideration to the rival submissions and perused the materials available on record.

8 At the outset, it is pertinent to point out that the prayer for a direction to the Deputy Commissioner of Police to dispose of the representation dated 28.09.2016 itself is not maintainable, for, for issuance of a writ of mandamus, there must be a statutory duty vested on the public authority by law. Admittedly, the petitioner is an accused in Cr.No.3999 of 2015. The investigation against him can proceed only in terms of Chapter 12 of Cr.P.C. A representation sent by an accused to the Director General of Police, Commissioner of Police and Deputy Commissioner of Police need not be disposed of, because, neither the Code of Criminal Procedure nor any other statutory rule, casts a duty upon them to consider such representation and pass orders. It is not a case of patta proceedings before the Revenue authorities.

In view of the aforesaid discussion, this Court finds no merit whatsoever in the writ petition and as a sequitur, this writ petition fails and is accordingly dismissed. Costs made easy.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

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- 4 The Public Prosecutor
Madras High Court
Chennai 600 104

+1 cc to M/s.R.Narendran Advocate sr 62003 dt 23/12/2016

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