



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.11.2016

CORAM:

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

W.P (MD) No.21424 of 2016

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M.Jegadeeswaran

... Petitioner

-vs-

- 1.The Principal Secretary,
Home Department,
State Government of Tamil Nadu,
St. Fort George, Chennai.
- 2.The Director General of Police,
Chennai.
- 3.The Commissioner of Police,
Thirunelveli City.
- 4.P.Rajan
Deputy Commissioner of Police,
Crime and Traffic,
Thirunelveli City.
- 5.Marimuthu,
Assistant Commissioner of Police,
City Crime Branch,
Thirunelveli City.
- 6.Annathai,
Inspector of Police,
City Crime Branch,
Thirunelveli City.
- 7.M.Gnanaprakasi
Sub Inspector of Police,
City Crime Branch,
Thirunelveli City.
- 8.E.Murugan
- 9.Mohammed Parakkaththulla
Inspector of Police,
Thiruppuvanam,
Sivagangai District.
- 10.The Inspector of Police,
Thirunelveli Junction Police Station,
Thirunelveli.



- 11.S.Senthil
- 12.S.Sivasubramanian
- 13.Chidambaram
- 14.S.Sankar
- 15.A.Mankiandan
- 16.Arumugam
Head Constable,
Kayeampetu Police Station,
Chennai.
- 17.Sathishkumar
- 18.R.Ashok
- 19.Muthuraman
- 20.M.Muthuraj
- 21.M.Sathish
- 22.Superintendent of Police,
Central Bureau of Investigation,
Chennai

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus, by granting the following relieves based upon the petitioner's representation, dated 13.02.2010 sent to the respondents 1 to 3 for victimizing the petitioner by directing (I) The respondents 1 to 3 to initiate Departmental action against erring police officials P.Rajan (respondent No.4) Marimuthu (respondent No.5), Annathai (respondent No.6) Gnanaprakasi (Respondent No.7); (ii) The 10th respondent the Inspector of Police, Thiruneveli junction Police Station to register a case against P.Rajan (4th respondent), Marimuthu (5th respondent), Annathai (6th respondent) and Gnanaprakasi (7th respondent) under Sections 192, 194, 196, 198, 177, 166, 167, 211, 212, 213, 217, 218, 219, 220, 221, 120 (b), 34 of IPC and also under Sections 214, 365, 364A, 343, 345, 346, 324, 323, 294(b), 506(ii) IPC and also against other respondents E.Murugan (8th respondent), S.Senthil (11th respondent), Sivasubramanian (12th respondent), Chidambaram (13th respondent), S.Sankar (14th respondent), A.Mankiandan (15th respondent) Arumugam (16th respondent) Senthil Kumar (17th respondent) Ashok (18th respondent), Muthuraman (19th respondent), Muthuraj (20th respondent), M.Sathish, 21st respondent under Sections 120(b), 34, 214, 365, 364-A, 343, 345, 346, 324, 323, 294(b) and 506(ii) of IPC; (iii) Directing the 1st respondent to withdraw the case registered in Crime No.30 of 2015 by the 7th respondent Gnanaprakasi and to entrust the case to the CBI (22nd respondent) for fair and free investigation; (iv) directing the 1 to 7 respondents to pay a compensation of Rs.50,00,000/- (Rupees Fifty lakhs only) jointly and severally to the petitioner for the harassment and torture met out by him in the hands of the respondents 4 to 8 and 11 to 21; and granting such other further reliefs.



For Petitioner : Mr.O.Sivakumar
For Respondents : Mr.K.P.Krishna Das
Government Advocate

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ORDER

The prayer sought for in this writ petition is to issue a direction to the respondents 1 to 3 to initiate departmental action against the respondents 4 to 7 and further direction to the 10th respondent to register a case against the respondents 4 to 7, 8 and 11 to 21 and for payment of compensation of Rs.50,00,000/-.

2.The case of the petitioner is that he was falsely implicated in Crime No.30 of 2015 and his complaint given in Crime No.485 of 2015 was not properly investigated by the Thiruppuvanam Police and he was harassed and detained illegally by the respondents police.

3.The learned Government Advocate, on instructions, would submit that the petitioner and one Murugan, the 8th respondent herein were dealing in secondhand cars business and in the transaction, the petitioner is said to have been received Rs.28,00,000/- from the said Murugan; based on the complaint of the said Murugan, a criminal case in Crime No.30 of 2015 was registered against the petitioner and he was arrested and remanded to the judicial custody; that the Inspector of Police, attached to the Thiruppuvanam Police Station, conducted proper enquiry in connection with the case in Crime No.485 of 2015 and it was closed after recording the statement of the petitioner. It is further submitted that the petitioner's mother M.Poochendu filed HCP(MD)No.1548 of 2015 for production of the petitioner and the said HCP was closed, after recording the statement that he was arrested in connection with the case in Crime No.30 of 2015.

4.The learned Government Advocate would further submit that the petitioner was arrested in connection with the case in Crime No.30 of 2015 and he has not made any statement before the Judicial Magistrate and after a lapse of one year, this writ petition is filed with an ulterior motive.

5.Heard both sides and perused the materials available on record.

6.It is not in dispute that the petitioner is an accused in Crime No.30 of 2015 on the file of the City Crime Branch, Thirunelveli. It is also not in dispute that he was arrested in



that case and he has not made any allegations against the Investigating Officer before the Judicial Magistrate at the time of remand. The closure report in Crime No.485 of 2015 was furnished to the petitioner by the Inspector of Police, attached to the Thiruppuvanam Police station, however, the petitioner, instead of filing a protect petition, filed this writ petition after a lapse of one year.

7.In view of the above facts, this writ petition has no merit and the same is dismissed. No costs.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar

To,

- 1.The Principal Secretary,
Home Department,
Government of Tamil Nadu,
St. Fort George, Chennai.
- 2.The Director General of Police,
Chennai.
- 3.The Commissioner of Police,
Thirunelveli City.
- 4.The Deputy Commissioner of Police,
Crime and Traffic, Thirunelveli City.
- 5.The Assistant Commissioner of Police,
City Crime Branch, Thirunelveli City.
- 6.The Inspector of Police,
City Crime Branch, Thirunelveli City.
- 7.The Sub Inspector of Police,
City Crime Branch, Thirunelveli City.
- 8.The Inspector of Police,
Thiruppuvanam, Sivagangai District.
- 9.The Inspector of Police,
Thirunelveli Junction Police Station,
Thirunelveli.



10.The Head Constable,
Kayeampetu Police Station, Chennai.

11.Superintendent of Police,
Central Bureau of Investigation, Chennai

12.The Government Advocate,
Madurai Bench of Madras High Court, Madurai

+1cc to Mr.O.Sivakumar, Advocate in SR No.67382

WP(MD) .NO.21424 OF 2016
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ER
ANR/CK/07.12.2016/5P/14C