



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2017

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THE HON'BLE MR.JUSTICE P.N.PRAKASH**W.P. (MD) No.1664 of 2017**

A.Palaniappan ... Petitioner
-vs-

1.The Superintendent of Police,
Pudukottai District,
Pudukottai.

2.The Inspector of Police,
Panayapatti Police Station,
Pudukottai.

3.The Sub-Inspector of Police,
Panayapatti Police Station,
Pudukottai.

.. Respondents

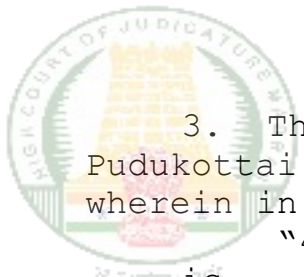
Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the respondents to consider the petitioner's representation dated 11.04.2016 and to take appropriate criminal action.

For Petitioner : Mr.P.Pethu Rajesh
For Respondents : Mr.T.S.Mohammed Mohideen
Additional Government Pleader

O R D E R

It is the case of the petitioner that his niece attempted to commit suicide and on 25.04.2015, she was said to have been raped by somebody. When the petitioner raised this issue, he has been excommunicated from the village by others, who did not want to file any complaint in the police station. Therefore, the petitioner gave a representation dated 17.07.2015 and 11.04.2016 and thereafter filed this present writ petition with the above prayer.

2. Heard the learned Counsel for the petitioner and the learned Additional Government Pleader appearing for the



3. The Inspector of Police, Panayapatti Police Station, Pudukottai (third respondent) has filed a counter affidavit wherein in paragraph Nos.4 to 7, they have stated as follows:

"4. It is further submits that the petitioner herein is a petition monger and made several complaints/representations to the higher officers requesting to take action on his Complaints/Representations, The complaints/representations were forwarded to this respondent by the higher officials i.e., Superintendent of Police 1). C.No.1486/ SP/ GDP / PDK / 2015 dated 17.07.2015, and 2). RC.No.G3/2238/702/2015 dated 13.08.2015 and for these representations the petitioner never appeared for enquiry and hence further action on the complaint directed by the Superintendent of Police were dropped.

5. It is further submits that the petitioner herein made a complaint before the Superintendent of Police, Pudukottai District as if that on vengeance and motive of repeated false complaints against the villagers, the villagers of Rangiyam, Tirumayam Taluk excommunicated him and hence sought for action through his representation dated 11.04.2016. The said complaint for forwarded to the DSP of Police, Ponnamaravathi Sub Division in N.Ref.G2/884/9209/2016 dated 13.04.2016 and the same was directed to this respondent by the DSP office in C.No.468/SDO/NRC/PON/2016 and received by this respondent on 21.04.2016 for appropriate action.

6. It is further submitted that the complaint of the petitioner was taken for enquiry by this respondent office and this petitioner was required for enquiry on 22.04.2016 through police personal though this petitioner herein accepted to appear for enquiry on 22.04.2016 he was not appeared for any enquiry and hence a chance is given to him to appear on 23.04.2016. On that date also he has not chosen to appear before this respondent for enquiry. This respondent for one other reason not appeared for enquiry for the reasons best known to him. In the mean while the counter petitioners i.e., the village leaders were enquired and on their statement which was the one same as made earlier on the repeated false complaints of the petitioner, the petition enquiry was closed on 23.05.2016 on the non cooperation of the petitioner and also on the fact of repeated false complaint.

7. It is further submitted that since a case in Crime No.58/2015, u/s 294(b), 323, 324 and 506(ii) of IPC is registered against the petitioner's son namely Arivazhagan on the complaint of one Mr.Anjappan of the village which was also charge sheeted in C.C.No.44/2016 on the file of Learned Judicial Magistrate, Tirumayam, the petitioner herein made



repeated false complaints with exaggeration of facts. Since the petitioner's complaint dated 11.04.2016 was enquired by this respondent and further action is dropped on the non cooperation of the petitioner and also for the reason of making repeated false complaints the writ petition is liable to be dismissed. Instead of approaching this respondent for enquiry by producing necessary documents and evidences, this respondent repeatedly making complaints for the same false complaint."

4. From the above, it is apparent that a case in Cr.No.58 of 2015 was registered against the son of the petitioner and after completing investigation, charge sheet has been filed in C.C.No.44 of 2016 before the learned Judicial Magistrate, Tirumayam for the offences under Sections 294(b), 323, 324 and 506(ii) I.P.C. While so, the petitioner is only attempting to torpedo the prosecution against his son by making such wild allegations that he is being excommunicated by the villagers.

5. In the result, this Court does not find any merit in the writ petition warranting interference. Accordingly, this Writ Petition is dismissed. However, as and when there is a real threat and not an imaginary threat to the petitioner's life, he may approach the local police for protection.

Sd/-

Assistant Registrar(CSII)

/True Copy/

Sub-Assistant Registrar

To:

- 1.The Superintendent of Police,
Pudukottai District, Pudukottai.
- 2.The Inspector of Police,
Panayapatti Police Station, Pudukottai
- 3.The Sub-Inspector of Police,
Panayapatti Police Station,
Pudukottai.

+One cc to Mr.P.Pethu Rajesh, Advocate, SR.No.50188

+One cc to The Special Government Pleader, SR.No.50238

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RL/6C/3P/MR/SAR2/2.5.2017

W.P. (MD) No.1664 of 2017