



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

WEB COPY

W.P. (MD) No.2118 of 2017

Bastin

... Petitioner

Vs.

1. The Deputy Inspector General of Police,
Tirunelveli Range,
Tirunelveli.

2. The Superintendent of Police,
Kanyakumari District,
Nagercoil.

3. Jebastin Gracious,
The Sub Inspector of Police,
Kanyakumari Police Station,
Kanyakumari.

4. Ebinazer
The Sub Inspector of Police,
Kanyakumari Police Station,
Kanyakumari.

5. Vishnu
The Special Sub Inspector of Police,
Kanyakumari Police Station,
Kanyakumari.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to take action against the respondents 3 to 5 and to discharge the petitioner from the false cases foisted by the respondents 3 to 5 against petitioner pursuant to the representation dated 17.01.2017 on the file of the respondents 1 and 2 herein consequently directing the respondents 1 and 2 to pay appropriate compensation to the petitioner upon deducting from the salary of the erred officers, the respondents 3 to 5 herein.

For Petitioner :Mr.S.Sureshkumar

For Respondents: Mr.T.S.Mohammed Mohideen,AGP for R1 & R2

ORDER

On the complaint lodged by Flori, the respondent police registered a case in Crime No.552 of 2016 on 19.11.2016 under Sections 341, 294(b), 506 (ii) IPC and Section 4 of Tamil Nadu



Prevention of Women Harassment Act against Joseph (A1), George (A2), Micheal (A3) and Bastin (A4).

2. It is the allegations of Flori that all the four accused misbehaved with her on 19.11.2016 on around 6.45 p.m. and pulled her hand. Therefore, offences under the Women Harassment Act was registered against the accused. It is also seen that this petitioner was arrested by the respondent Police and remanded into custody and thereafter, he was released on bail. Now, the petitioner, after having come out on bail, has given a representation dated 17.01.2017 making allegations against the Police officer and has filed the present Writ Petition for a Mandamus to take action against the erring Police.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 and 2.

4. The learned counsel for the petitioner placed a strong reliance upon a strong affidavit said to have been given by Flori, exonerating the petitioner from the offence. Therefore, the learned counsel for the petitioner submitted that the entire case in Crime No.552 of 2016 has been foisted by the respondent Police against the petitioner.

5. This Court is unable to agree with the said submission made by the learned counsel for the petitioner. The fact remains that on the complaint of Flori, FIR was registered and the same was sent to the jurisdictional Judicial Magistrate. The complaint of Flori thus disclosed the commission of serious offences committed by this petitioner and other accused. It is alleged by Flori that the accused not only abused her in filthy words, but all pulled her hand. The affidavit, that has been obtained from Flori, only shows that the petitioner and the other accused are tampering with the evidence, for which, their bail can be cancelled as held by the Hon'ble Supreme Court reported in **Rachappalli Abullu Vs. State of A.P. (2002 (3) Supreme Today 172)**.

6. In the considered opinion of this Court, the present exercise is only to torpedo the investigation in Crime No.552 of 2016 that has been registered against the petitioner. Therefore, no Mandamus as prayed by the petitioner can be given. It is open to the petitioner work out his remedy in the manner known to law. Accordingly, this Writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-I)



To

1. The Deputy Inspector General of Police,
Tirunelveli Range,
Tirunelveli.

2. The Superintendent of Police,
Kanyakumari District,
Nagercoil.

+1cc to Mr.S.Sureshkumar, Advocate Sr.No.17514

+1cc to Spl.Government Pleader Sr.No.17055

ta/nbj

vb/jc/sar2/06.06.2017/3p/5c

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