



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 06.04.2017

CORAM

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

W.P. (MD) No.14974 of 2016

C.Pulikody

... Petitioner

-vs-

1. The Home Secretary to Government
State of Tamilnadu,
Fort St. George, Chennai.
2. The Director General of Police,
Office of the Director General of Police,
Beach Road, Chennai.
3. The Commissioner of Police,
Office of the Commissioner of Police,
Madurai City, Madurai.
4. The District Collector,
Office of the Collectorate,
Madurai District.
5. The Inspector of Police,
Avaniyapuram Police Station,
Avaniyapuram.
6. The Inspector of Police,
South gate police station, Madurai.
7. Rajamurali
8. Alagumuthu
9. The Inspector of Police
Keeraithurai Police Station,
Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, to direct the respondent Nos.1 to 4 to initiate necessary action against the respondent Nos.7,8 and other police officers responsible for foisting false cases against the petitioner's son and their illegal activities on the basis of her representations dated 25.07.2016 and 01.08.2016 in accordance with law within the time stipulated by this Court.

<https://hcservices.ecourts.gov.in/hcservices/>
For Petitioner : Mr.S.Malaikani
For Respondents : Mr.T.S.Mohammed Mohideen
Addl. Govt. Pleader

**ORDER**

This writ petition has been filed for a direction to the respondent Nos.1 to 4 to initiate necessary action against the respondent Nos.7,8 and other police officers responsible for foisting false cases against the petitioner's son and their illegal activities on the basis of her representations dated 25.07.2016 and 01.08.2016 in accordance with law within the time stipulated by this Court.

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

3. Today, Mr.Rajamurali, Inspector of Police, South gate police Station, Mr.M.Deivendran, Special Sub Inspector of Police and Mr.S.Ganesan, Sub Inspector of Police are present before this Court.

4. The Inspector of Police has filed a counter affidavit, wherein, he has listed the number of cases that are pending against the son of the petitioner. It may be necessary to extract Paragraph NO.7 of the counter, which is as follows:

"It is respectfully submitted that the dictum of D.K.Basu's case was strictly enforced in the arrest of the accused Periyannakumar, the son of the petitioner herein. The petitioner herein cannot plead ignorance of the arrest of his son as she was informed of the arrest, but she refused to receive the same and hence the respondent police had to inform her through her mobile Sim card No.7708250045 at 16.20 hours on 01.08.2016 from mobile No.8300018114. Had there been a semblance of truth in the allegation, the accused while being produced would have raised the same before the learned Judicial Magistrate, No.IV, Madurai on 01.08.2016 itself. The accused has an unique criminal record as he is involved in the following cases:

i) Crime No.1273/2013 under sections 147, 149, 120B, 148, 341, 342, 324, 307, 302 IPC @ 324, 307, 302 IPC 4(a) IES Act on the file of B3, Teppakulam Police Station and the case is pending trial.

(ii) Crime No.90/15 under section 147, 148, 201, 302, 364 IPC @ 149, 147, 148, 201, 302, 364 IPC on the file of B5 South Gate Police Station and the case is pending trial.

(iii) Crime No.1292/16 under section 143, 147, 189, 294(b), 353 IPC and 3 TNPPDL Act on the file of E3 Anna Nagar Police Station and the case is under investigation.

(iv) Crime No.842/16 under Sections 294(b), 323, 427, 506(ii) IPC on the file of Avaniyapuram Police Station, Madurai City.

And hence the allegations raised are after-thought and devoid of truth. Hence the petitioner herein is not entitled for the discretionary relief of this Hon'ble



Court much less the mandamus which is liable for dismissal."

5. From the above, it is evident that the petitioner's son is a history sheeter under the police surveillance. Under such circumstances, the learned counsel for the petitioner submitted that the police are foisting false cases against the petitioner's son and that they are unnecessarily detaining him illegally.

6. In the considered opinion of this Court, such disputed question of facts cannot be gone into in the writ proceedings. Accordingly, this writ petition is dismissed. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

1. The Home Secretary to Government,
State of Tamilnadu,
Fort St. George, Chennai.
2. The Director General of Police,
Office of the Director General of Police,
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5. The Inspector of Police,
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Avaniyapuram
6. The Inspector of Police,
South gate police station, Madurai
7. The Inspector of Police
Keeraithurai Police Station, Madurai.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 50920

RR

TE/MR : 20/04/2017 : 3P/9C

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W.P. (MD) No.14974 of 2016
and WMP No.11037 of 2016
06.04.2017