



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2017

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WEB COPY

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

W.P.(MD) No.6899 of 2017

S.B.Suriya Narayanan

... Petitioner

-vs-

1. State rep. By
The Secretary to the Government,
Home Department, St. George Fort,
Chennai.
2. The Director General of Police,
Office of the Director General of Police,
Chennai.
3. The Additional Director General of Police,
Vigilance & Anti Corruption Wing,
Chennai.
4. The Inspector General of Police,
Southern Zone, Office of I.G.,
Madurai.
5. The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
6. Mr.Thirumal Alagu,
Deputy Superintendent of Police,
Omalur Circle,
Salem District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the 1st respondent to take appropriate action against Erred official the 6th respondent in accordance with law on the basis of the petitioner's representation, dated 31.03.2017 and consequently direct the respondents to pay adequate compensation to the petitioner for the damages and for the human rights violations meted out on him by the 6th respondent police.

For Petitioner

: Mr.K.K.Samy

<https://hcservices.ecourts.gov.in/hcservices/>

For Respondents

: Mr.T.S.Mohammed Mohideen

Additional Government Pleader

**ORDER**

On the complaint lodged by one Mr.V.Muthukrishnaraja, the Inspector of Police, Rajapalayam South Police Station has registered a case in Cr.No.864 of 2015, dated 23.12.2015 for the offences under Sections 294(b), 323, 324 and 506(ii) of IPC against the petitioner herein and after completing the investigation, has filed the charge-sheet in C.C.No.205 of 2016 before the learned Judicial Magistrate, Rajapalayam, on 30.12.2015.

2.While so, it is the case of the petitioner that he has been falsely implicated by the 6th respondent, who was then Inspector of Police, Rajapalayam South Police Station, in the said case and therefore, the petitioner gave a representation, dated 31.03.2017 and has now filed the present writ petition for the above stated relief.

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

4.The learned counsel for the petitioner submitted that about 50 local people have given a representation to the Superintendent of Police alleging that the petitioner was not involved in the offence in Cr.No.864 of 2015 and he has been falsely implicated. However, on the orders of the Superintendent of Police, the Additional Superintendent of Police, Virudhunagar appears to have conducted an enquiry and has submitted his report, dated 02.02.2016 in which, he has stated that the allegations of the petitioner is false.

5.It is the contention of the learned counsel for the petitioner that the enquiry conducted by the Additional Superintendent of Police, Virudhunagar was perfunctory and therefore, this Court should, in this writ petition, decide that the case in Cr.No.864 of 2015 has been falsely foisted against the petitioner and action should be taken on his representation against the 6th respondent.

6.In the considered opinion of this Court, the case in Cr.No.864 of 2015 is pending trial in C.C.No.205 of 2016 before the learned Judicial Magistrate, Rajapalayam, while so, this Court cannot go into the disputed questions of fact, based on the representation given by the Public as regards the allegation that the report, dated 02.02.2016, that was given by the Additional Superintendent of Police, Virudhunagar to the Superintendent of Police was without proper enquiry. This Court is of the view that the same cannot be subjected to judicial review at this stage. <https://hcservices.courts.gov.in/hcservices/> the matter is under trial before the Competent Court. That apart, a mandamus as prayed for by the petitioner cannot be granted in the light of the fact that the investigation



has been done in accordance with the statutory power under Chapter XII of the Cr.P.C. In other words, the action has been taken under the Code and the petitioner is now facing the criminal prosecution before the learned Judicial Magistrate, Rajapalayam.

7. Admittedly, the petitioner has also filed a quash petition to quash the proceedings in C.C.No.205 of 2016, which is said to be pending on the file of this Court.

8. In the result, this Court is of the view that the writ petition is not maintainable. Hence, the writ petition is dismissed. It is open to the petitioner to work out his remedy, in the manner known to law, after the trial in C.C.No.205 of 2016 is culminated. No costs.

Sd/-

Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar

To:

1. The Secretary to the Government,
Home Department, St. George Fort,
Chennai.
2. The Director General of Police,
Office of the Director General of Police, Chennai.
3. The Additional Director General of Police,
Vigilance & Anti Corruption Wing, Chennai.
4. The Inspector General of Police,
Southern Zone, Office of I.G., Madurai.
5. The Superintendent of Police,
Virudhunagar District, Virudhunagar.
6. Mr. Thirumal Alagu,
Deputy Superintendent of Police,
Omalur Circle, Salem District.

+ 1 CC TO Mr.K.K.SAMY, ADVOCATE IN SR No. 52318

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 52526

AM/SSS

TE/KP/SAR-IV : 27/04/2017 : 3P/9C