



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2017

CORAM:

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

W.P. (MD) No. 7867 of 2017

and

W.M.P. (MD) No. 6092 of 2017

WEB COPY

Selvaraj

: Petitioner

-Vs-

1. The Government of Tamil Nadu,
Rep. by its Secretary,
Department of Home,
Fort St. George,
Chennai.

2. The Director General of Police,
Mylapore,
Chennai-600 001.

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

4. The Inspector of Police,
Nithiravilai Police Station,
Kanyakumari District.

5. Nirmal Nesa Kumar

6. Krishkumar @ Krisan

7. Goban

8. Sankar

9. Senthilvel

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 3 particularly, the second respondent to conduct an enquiry in relation to the illegal arrest and detention of the petitioner without any case as from 17.04.2015 to 19.04.2015 in an unknown place and also causing humiliation, torture, inhuman activities and bodily injury to the petitioner during his confinement illegally and also to pay adequate compensation of Rs.25 Lakhs for the said illegal activities as well as colorable exercise of power and subsequently take appropriate legal action against the respondents 4 to 9 for the said activities as per law forthwith.

For Petitioner : Mr.S.Palani Velayutham

For Respondents 1to4 : Mr.T.S.Mohammed Mohideen,

Additional Government Pleader

**ORDER**

It is the case of the petitioner that he was illegally detained by the police on 17.04.2015 without any case being registered against him and thereafter, he was shown formal arrest and was remanded to judicial custody after three days. It is the further case of the petitioner that he has been granted bail by the Court and that he has given a representation to the authorities that he has been illegally detained and has now come up with the present Writ Petition for a Mandamus seeking compensation.

2. On a reading of the typed-set of papers, it is seen that a case in Crime No.126 of 2015 was registered against the petitioner on 18.04.2015 under Sections 406, 420, 294(b) and 506(ii) of the Indian Indian Penal Code. Similarly, a case in Crime No.135 of 2015 was registered on 22.04.2015 under Sections 406, 420, 294(b) and 506(ii) of the Indian Penal Code. Thus, there were two First Information Reports registered against the petitioner and only thereafter, the petitioner has been arrested on 17.05.2015. That apart, investigation in Crime No.126 of 2015 was completed and charge sheet was filed in C.C.No.110 of 2016 before the learned Judicial Magistrate No.II, Kuzhithurai. Similarly, investigation in Crime No.135 of 2015 was completed and charge sheet was filed in C.C.No.65 of 2016 before the learned Judicial Magistrate No.II, Kuzhithurai. The general allegation against the petitioner is that he has been collecting money from various persons on the promise of closing the cases against them with the police.

3. In the considered opinion of this Court, the disputed questions of fact cannot be gone into in a Writ proceedings, especially, in the light of the fact that a regular case was registered against the petitioner even before 17.05.2015 and that, he is now facing trial in two cases before the Jurisdictional Court. That apart, for the incident that is said to have taken place in the year 2015, the present Writ Petition is filed only in the year 2017.

4. In the result, the Writ Petition is dismissed with liberty to the petitioner to work out his remedies in the manner known to law. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar



To

1.The Secretary,
Government of Tamil Nadu,
Department of Home,
Fort St. George,
Chennai.

2.The Director General of Police,
Mylapore,
Chennai-600 001.

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

4.The Inspector of Police,
Nithiravilai Police Station,
Kanyakumari District.

+1cc to SPECIAL GOVERNMENT PLEADER in SR. No.54717

+1cc to M/s. S.PALANI VELAYUTHAM Advocate in SR. No.54397

SML

JS/SV.MMS/9.05.2017/3P-7C

Order made in
W.P. (MD) No. 7867 of 2017
Dated: 26.04.2017