



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2017

CORAM:

THE HON'BLE MR.JUSTICE G.CHOCKALINGAM

W.P (MD) No.24265 of 2016
and
WMP (MD) No.17527 of 2016

V.Balaji

... Petitioner

-vs-

- 1.The Government of Tamil Nadu,
represented by the Home Secretary,
Secretariat, St. George Fort,
Chennai.
- 2.The Director General of Police,
O/o. of the Director General of Police,
Beach Road, Chennai.
- 3.The Superintendent of Police,
Office of the Superintendent of Police,
Virudhunagar District,
Virudhunagar.
- 4.The Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District.
- 5.Mrs.Vijayalakshmi,
Inspector of Police,
All Women Police Station,
Virudhunagar District.
- 6.Mr.Venkatesh,
Presently Employed as Head Constable,
Thiruthangal Police Station,
Virudhunagar District.
- 7.Mr.Ganesan,
Presently Employed as Head Constable,
Virudhunagar District.

(Notice to be served through the



Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus, to direct the respondent No.1 to provide compensation to the petitioner a sum of Rs.20,00,000/- (Rupees Twenty Lakhs Only) and recover the same from the salary of the respondent Nos.5 to 7.

WEB COPY

For Petitioner : Mr.T.Lajapathi Roy
For R1 to R4 : Mr.K.P.Krishnadas
Government Advocate
For 5th respondent : Mr.K.P.Narayana Kumar
For 6th respondent : Mr.A.K.Thangavelu
For 7th respondent : Mr.D.Shanmugaraja Sethupathi

O R D E R

The writ petition has been filed to direct the first respondent to provide compensation to the petitioner a sum of Rs.20,00,000/- (Rupees Twenty Lakhs Only) and recover the same from the salary of the respondent Nos.5 to 7.

2.The learned counsel appearing for the petitioner would submit that the respondents police foisted a false case in Crime No.370 of 2016 against the petitioner and his family members and at the time, the petitioner was aged about 17 years and though he has no connection with the case, he was detained in the police station during night hours on 16.07.2016 and produced before the concerned Judicial Magistrate only on 17.07.2016 at about 13.15 hours ie., after twenty four hours and that the petitioner sent a detailed representation on 06.09.2016 to the respondents 1 to 3 and other officials and sought to take necessary and departmental action against the respondents 5 to 7 and others, but no action has been taken till date and that on 14.11.2016, the DSP, Sivakasi sent a summon to the petitioner to appear before him for an enquiry and when the petitioner was attended the enquiry, the DSP was not available and one Police constable has conducted enquiry as an eye wash. It is further submitted that the acts of the respondents 5 to 8 are absolutely violation of Article 21 of the Constitution of India and that since the petitioner is a minor aged about 17 years and he has been kept under illegal custody by the respondents 5 to 7 and he has been tortured during night hours, he has come forward with this petition seeking the relief as stated above.

<https://hcservices.cqu.gov.au/hcservices/>, the learned Government Advocate appearing for the respondents 1 to 4 would submit that as per the order of the Judicial Magistrate (Juvenile), Virudhunagar, the petitioner was



admitted in the Juvenile Home, Thirunelveli and the other accused have obtained anticipatory bail from this court and hence, the petitioner is not entitled to any relief as prayed for.

4. Heard the learned counsel appearing for the respondents 5 to 7 and perused the materials available on record.

5. It is seen from the records that on 05.06.2016, based on the intimation given by the Government Hospital authorities, Sivakasi, the Sub-Inspector of Police, attached to the Thiruthangal Police station went to the hospital and recorded the statement of the injured complainant namely one Varalakshmi and in the complaint, she has stated that due to previous motive on 04.06.2016 the petitioner along with one Mohan Raj and Nirmala had attacked and abused her in filthy language and also broken the window panes of her house.

6. It is further seen from the records that since cognizable offence is made out against the accused persons, FIR has been registered in Crime No.370 of 2016 under sections 294(b), 323, 506 (i) IPC, Section 4 of TNPHW Act 2002 and section 3 of TNPPDL Act, 1992 against the accused persons and now, the case is under investigation.

7. It is to be noted here that the Judicial Magistrate (Juvenile), Virudhunagar remanded the petitioner on 17.07.2016 at about 01.15 PM by stating that **"Juvenile in conflict with law to be produced before me on 17.07.2016 at 1.15 pm. No complaints against the Police. Offence explained. Apprehension procedure complied. Juvenile is to be kept in children home till date 29.07.2017."**

8. In view of the above circumstances, this court is of the considered view that the respondents police, as per the order of the learned Judicial Magistrate and after complying with the procedures contemplated under law, have admitted the petitioner in Juvenile Home, Thirunelveli. Hence, the relief sought for by the petitioner cannot be granted.

9. In the result, this petition is **dismissed** giving liberty to the petitioner to file a fresh petition and seek appropriate remedy in the manner known to law. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True copy/



To:

1.The Home Secretary,
Secretariat, St. George Fort,
Chennai.

2.The Director General of Police,
O/o. of the Director General of Police,
Beach Road, Chennai.

3.The Superintendent of Police,
Office of the Superintendent of Police,
Virudhunagar District,
Virudhunagar.

4.The Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District.

5.The Government Advocate,
Madurai Bench of Madras High Court,
Madurai.

+1 cc to Mr.T.Lajapathi Roy , Advocate in SR.No. 4075
+1 cc to Mr.K.P.Narayanakumar , Advocate in SR.No. 4226
+1 cc to Special Government Pleader, SR.No:4168
+1 cc to Mr.D.Shanmugaraja Sethupathi , Advocate in SR.No. 4188

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AE/KP/SAR4/13.04.2017/5P/10C

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