



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED: 13.09.2017  
CORAM:  
**THE HONOURABLE MR. JUSTICE K. KALYANASUNDARAM**

W.P. (MD) No. 10452 of 2011  
and  
M.P. (MD) No. 1 of 2011

K. Madasamy

... Petitioner

-Vs-

1. State Represented by its  
Secretary to Government,  
Home Department,  
Secretariat, Fort. St., George,  
Chennai
2. The Director General of Police,  
Directorate,  
Beach Road,  
Chennai.
3. The Inspector General of Police,  
South Zone, Madurai.
4. The Superintendent of Police,  
Pavoor Chathiram Police Station,  
Tirunelveli.
5. The Inspector of Police,  
Pavoor Chathiram Police Station,  
Tirunelveli District.
6. Aadivel,  
Then The Sub Inspector of Police,  
Pavoor Chathiram Police Station,  
Tirunelveli District.

... Respondents

**PRAYER:** Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondent No.1 to pay a just and reasonable amount as compensation and consequently direct the respondent No.1 to 4 to take appropriate action against the respondent No.6.

For Petitioner

: Mr. S. M. A. Jinnah

For R1 to R5

: Mr. G. Muthukannan

Government Advocate

For R6

: Mr. R. Karthick Rajan

**ORDER**

The petitioner has come up with this Writ petition seeking direction to the first respondent to pay the compensation and further direction to the respondents 1 to 4 to take appropriate action against the 6<sup>th</sup> respondent.

2.The petitioner would state that he is a physically challenged person and he married one Karuppasamy's daughter in the year 1982. One Ponnupandi had borrowed a sum of Rs.2,00,000/- from his father-in-law in the year 1999, but he did not repay the money. Hence, the suit in O.S.No.72 of 2009 on the file of the Sub Court, Thenkasi was filed by his father-in-law for recovery of money. The petitioner would further state that the borrower, Ponnupandi, lodged a false complaint to the fifth respondent police against his father-in-law. Thereafter, the sixth respondent pressurized the petitioner's father-in-law to make compromise in the civil case. Hence, the petitioner's father-in-law sent a telegram to the higher officials against the illegal act of the sixth respondent.

3.The petitioner would further state that one Annadurai, who is having land adjacent to the petitioner's land, dumped the waste materials in the petitioner's land. So, he approached the fifth respondent on 23.12.2010 to lodge a complaint against the said Annadurai. The sixth respondent having vengeance against the petitioner with regard to the earlier telegram sent by his father-in-law, detained the petitioner in a illegal custody till evening and also assaulted him. On 23.12.2010, the petitioner was remanded to the judicial custody. Due to the unbearable physical torture committed by the sixth respondent, the petitioner sent a detailed representation on 05.07.2011 to the respondents 1 to 5 for taking action against the sixth respondent. Since no favourable orders were passed, hence the present writ petition.

4.The fourth respondent filed a counter stating that the petitioner, who was already married, had an affair with one unmarried woman, namely, Muppithathi. She belongs to another community. Hence, on 18.08.2012, he was attacked with deadly weapons and caused grievous injuries resulting in his physical disability. In this connection, a case in Crime No.276 of 2002, under Sections 120(B) and 307 I.P.C. was registered against the petitioner.

5.It is further stated that the police have not interfered in the civil dispute of the petitioner's father-in-law. On 23.12.2010, one Annadurai, son of Muthiah Thevar has preferred a complaint against the petitioner and on the basis of complaint, a case in Crime No.446 of 2016, under Sections 294(b), 506(ii)



I.P.C. was registered against the petitioner. In the course of the investigation, the Sub-Inspector of Police arrested the petitioner at 14.00 hours and produced him before the Judicial Magistrate, Thenkasi for remand. It is further stated that since the petitioner complained injury on his body, the Judicial Magistrate referred the petitioner to the Government Head Quarters Hospital, Thenkasi for a medical check up. However, Medical Officer found that no injury on the petitioner's body and thereafter he was remanded to the Judicial custody.

6.The fourth respondent further stated in his Counter affidavit that the petitioner is a habitual law breaker and facing the following criminal cases:

i) Crime No.35/2010 , U/s.279, 337 IPC  
( Acquitted).

ii) Crime No.80/2015 U/s.279, 338 I.P.C  
(Pending trial)

iii)Crime No.254/2011 U/s. 294(b) and 506(ii)  
I.P.C and Section 4 of the Tamil Nadu Prohibition  
of Charging of Exorbitant interest ordinance 2003  
( Pending trial)

iv)Crime No.91/2013 U/s. 294(b), 323 and 506  
(i) I.P.C (Pending trial)

7.The specific case of the petitioner is that when he went to the police station on 23.12.2010 to lodge a complaint against Annadurai, who had dumped the waste materials in the petitioner's land, the petitioner was assaulted by the sixth respondent with lathy and caused injury, due to the complaint given by his father-in-law against the sixth respondent to the higher officials.

8.It is seen that except making allegations in the affidavit, the petitioner has not produced any evidence to show that he sustained grievous injury on 23.12.2010. On the other hand, the fourth respondent in his counter has specifically stated that the petitioner was produced before the Judicial Magistrate on 23.12.2010 at 7.00 p.m and as per direction of the Judicial Magistrate, the petitioner was taken to the Government Head Quarters Hospital, Thenkasi for medical check up. The accused was carefully examined by the doctors, but they could not find any injury on his body.

9.Mr.G.Muthukannan, learned Government Advocate appearing for respondents 1 to 5 would submit that on the basis of the ~~separate affidavit~~ of the petitioner, dated 05.07.2011, the fourth respondent conducted an enquiry and found that the allegations are all false.



10. Considering the above facts, this Court is of the view that the petitioner is not entitled to the relief sought for in the Writ petition. This Writ petition fails, and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To

1. State Represented by its  
Secretary to Government,  
Home Department,  
Secretariat, Fort.St., George,  
Chennai.
2. The Director General of Police,  
Directorate,  
Beach Road, Chennai.
3. The Inspector General of Police,  
South Zone, Madurai.
4. The Superintendent of Police,  
Pavoor Chathiram Police Station,  
Tirunelveli.
5. The Inspector of Police,  
Pavoor Chathiram Police Station,  
Tirunelveli District.

+ 1 CC TO MR.S.M.A.Jinnah, ADVOCATE IN SR No.78734

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 78774

msa/dss

MK/SV MMS/SAR-2/4P/8C/22.09.2017

**W.P. (MD) No.10452 of 2011**

**and**

**M.P. (MD) No.1 of 2011**

**13.09.2017**