



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 28.02.2017

Coram

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THE HON'BLE MR.JUSTICE M.S.RAMESH

W.P.(MD)No. 3048 of 2013
and
M.P.(MD)No.1 of 2013

M. Kalyani

... Petitioner

Vs.

1. The State of Tamil Nadu,
represented by its Secretary to Government,
Public Department, Secretariat,
Fort St. George,
Chennai-9.
2. The Director General of Police,
Mylapore, Chennai.
3. The District Collector,
Pudukottai Collectore Office,
Pudukkottai District.
4. The District Superintendent of Police,
Pudukkottai District - 622 001.
5. The Sub Inspector of Police,
Panayapatti Police Station,
Pudukkottai District.
6. Karthika
Sub Inspector of Police,
Panayapatti Police Station,
Pudukkottai District.
(R-6 impleaded as per order dated
12.06.2014 in M.P.No.2 of 2013)

... Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, directing the first respondent to grant compensation for a sum of Rs.10 00 000/- (Ten Lakhs) for the custodial torture done to the Petitioner on 24.01.2013 by the 5th Respondent Sub Inspector.

For Petitioner : Mr. M.S.Suresh Kumar

For Respondents 1 to 5 : Mr.T.R.Janarthanam

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

Additional Government Pleader.

For 6th Respondent : No Appearance

**ORDER**

Alleging of certain ill-treatment and physical torture by the fifth respondent, the present writ petition has been filed seeking for direction to the first respondent for compensation.

2. According to the learned counsel for the petitioner, the fifth respondent had summoned the petitioner who is a flower vendor in Panayapatti bus stand in connection with a case of girl missing. The learned counsel for the petitioner submitted that the petitioner, who was no way in connected with the offence, was detained in the police station from 11.00 a.m. to 3.00 p.m and was physically tortured owing to which, she had taken treatment in the Government hospital. The petitioner had also made several representations to the State Human Rights Commission and the Chief Minister's cell and to the police higher officials. Since no action was taken against her complaints, the present writ petition has been filed.

3. The sixth respondent has filed a counter affidavit denying physical torture meted out to the petitioner. According to the sixth respondent, the petitioner was enquired in the police station at 3.00 p.m and after obtaining statement under Section 161(3) of the Code of Criminal Procedure, the petitioner was permitted to leave and hence there was no illegal detention.

4. The fourth respondent has also filed a counter affidavit denying the averments made by the petitioner. In the counter affidavit, it is stated that the petitioner was informed at 11.00 a.m on 24.1.2013 to come to the police station for enquiry and consequently, her statement under Section 161(3) of the Code of Criminal Procedure was obtained at 3.00 p.m.

5. The Deputy Superintendent of Police, the fourth respondent, is personally present before this Court and had produced the action taken report based on the complaints given by the petitioner with regard to the averments of physical torture. On a perusal of the records, it is seen that based on the complaint given by the petitioner, the third respondent had forwarded the same to the fourth respondent, based on which the petitioner was called upon to be present for an enquiry. However the petitioner did not turn up for enquiry and hence a statement was taken from two Head Constables as well as an independent person. All these three witnesses have stated that the petitioner had not appeared for the enquiry. Hence the petitioner's complaint came to be closed on 01.03.2013. On a perusal of the counter affidavit and the action taken report filed by the Deputy Superintendent of Police, I am of the view that the petitioner has not made out a case for any indulgence. Nevertheless, if the petitioner is still aggrieved, it is open to her to approach the appropriate forum to redress her grievance.



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6. With the above observation, the writ petition stands dismissed. No costs. Consequently, M.P. (MD) No. 1 of 2013 is closed.

Sd/-
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
State of Tamil Nadu,
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2. The Director General of Police,
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4. The District Superintendent of Police,
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5. The Sub Inspector of Police,
Panayapatti Police Station,
Pudukkottai District.

+ 1 CC TO Mr. M. S. SURESH KUMAR, ADVOCATE IN SR No. 11829
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 11613

SMS/PNN

TE/CM : 09/03/2017 : 3P/8C

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