

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2018

CORAM :

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P. NO. 9250 of 2008
and
W.M.P.No. 1 of 2008

T.Umarani .Vs. ...Petitioner

1. The State of Tamil Nadu
rep. by its Home Secretary,
Fort. St. George, Chennai.
2. The Director General of Police,
Chennai.
3. The Deputy Inspector General of Police,
Salem Range, Salem District, Salem.
4. The Superintendent of Police,
Namakkal District, Namakkal.
5. The Inspector of Police,
Velur Police Station,
Namakkal District.
6. Mr.John Nickelson
Superintendent of police,
Office of the Superintendent of police,
Namakkal District, Namakkal.
7. Mr.Rathnakumar,
Inspector of Police,
B. Komarapalayam Police Station,
Namakkal District.
8. Mr.Palanichamy,
Sub-Inspector of Police,
Office of the Superintendent of Police,
Namakkal. ...Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 3 to initiate criminal prosecution against the respondents 4 to 8 herein on the basis of the complaint made by the petitioner on 03.04.2008 and 10.04.2008 and to initiate departmental actions against the respondents 4 to 8 to have infringed the human rights and the fundamental rights guaranteed to the petitioner's husband Mr.U.Thaniasaru, to have violated the procedures contemplated in D.K.Basu's case in respect of arrest of a person and to direct the respondents to pay adequate compensation to the petitioner's husband Mr.U.Thaniasaru to have subjected him to torture in the police custody by the respondents 4 to 8 and pass orders.

For Petitioner : Mr. C.J.Paul Nirmalan
For Respondents 1 to 5 : Mr.R.S.Selvan
(Additional Government Pleader)
For Respondents 6 to 8 : No appearance

ORDER

The petitioner prays to issue a Writ of Mandamus directing the respondents 1 to 3 to initiate criminal prosecution against the respondents 4 to 8 herein on the basis of the complaint made by the petitioner on 03.04.2008 and 10.04.2008 and to initiate departmental actions against the respondents 4 to 8 to have infringed the human rights and the fundamental rights guaranteed to the petitioner's husband Mr. U.Thaniasaru, to have violated the procedures contemplated in D.K.Basu's case in respect of arrest of a person and to direct the respondents to pay adequate compensation to the petitioner's husband Mr.U.Thaniasaru to have subjected him to torture in the police custody by the respondents 4 to 8 and pass orders.

2. The petitioner is the wife of Mr.U.Thaniasaru, who is the president of Tamilnadu Kongu Illangnar Peravai and he was involving in various beneficial activities to the general public. Likewise, when he petitioner's husband participated in a function at Paramathivelur, Namakkal District on 30.03.2008 and he was taken into the custody of 5th respondent namely the Reserve Police Force, Namakkal. When the petitioner's husband was in the custody, he was tortured by the 7th and 8th respondent who are the Inspector and Sub Inspector of police in Komarapalayam Police Station, Namakkal District. In the result the petitioner's husband sustained grievous injuries and the police officials threatened him not to run the "Tamilnadu Kongu Illangnar Peravai".

3. Further, three Criminal cases were foisted against the petitioner's husband in Velur Police Station, Namakkal District in Crime Nos. 293, 294 and 296 of 2008. Based on the First

Information Report, the learned District cum Judicial Magistrate, Paramathi ordered on 31.03.2008 to provide medical aid to all the persons, who are under the Judicial Custody.

4. The matter was taken up for admission on 16.04.2008 and on 25.04.2008 an Interim Order was granted by this Court directing the Principal District Judge, Salem to submit a report regarding the allegations made by the petitioner and report about the physical condition of the petitioner's husband within one week from the date of receipt of a copy of this Order. The learned counsel for the petitioner submitted that the matter has become infructuous hence, no order is necessary in this writ petition.

5. When the matter is listed today the learned counsel for the petitioner made a submission that the matter has become Infructuous and he has also made an endorsement to that effect. In view of the above statement made by the learned counsel for the petitioner, this Writ Petition is dismissed as having become infructuous. No costs. Consequently, connected Miscellaneous Petitions is closed.

smn

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To.

1. The Home Secretary,
Fort. St. George, Chennai.
2. The Director General of Police, Chennai.
3. The Deputy Inspector General of Police,
Salem Range, Salem District, Salem.
4. The Superintendent of Police,
Namakkal District, Namakkal.
5. The Inspector of Police,
Velur Police Station,
Namakkal District.

+1cc to M/s.LA LAW Advocate Sr.No.35464

CNRE (CO)

sm:20.6.2018

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