

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 14.06.2018

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH

W.P.No.14515 of 2018

R.Prakash

.. Petitioner

Versus

- 1.The Secretary to Government of Tamil Nadu
Home Department
Secretariat, Chennai-600 009.
- 2.The Director General of Police
Mylapore, Chennai-600 004.
- 3.The Commissioner of Police
Salem.
- 4.A.Karunakaran
- 5.Velu
- 6.Subramaniam
- 7.Sakthivel
- 8.Madheswari

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus, directing the respondents 1 to 3 herein to initiate appropriate action against the respondents 4 to 7 herein and direct the respondents herein to pay a compensation of Rs.10,00,000/- for the injuries sustained by the petitioner on account of illegal custody and police atrocities.

For Petitioner : Mr.S.V.Karthikeyan

For Respondent : Mr.D.Raja
Government Advocate

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O R D E R

This writ petition has been filed seeking a direction to the respondents 1 to 3 herein to initiate appropriate action against the respondents 4 to 7 herein and direct the respondents herein to pay a compensation of Rs.10,00,000/- for the injuries sustained by the petitioner on account of illegal custody and police atrocities.

2. It is seen that the petitioner is an accused in Annadhanapatty Police Station Crime No.334 of 2016 for the offences under Section 387 and 506(ii) IPC in respect of the incident said to have taken place on 12.08.2016 and Suramangalam Police Station Crime No.1004 of 2017 for the offences under Sections 392 and 397 IPC in respect of the incident said to have taken place on 10.11.2017.

3. It is the grievance of the petitioner that on 27.12.2017, the petitioner was illegally arrested and detained by the police and assaulted. The petitioner's father filed CMP.No.4496 of 2017 and on the orders of the Judicial Magistrate, Salem, an Advocate Commissioner was appointed to search the petitioner in the Kannankuruchi Police Station, but the police stonewalled his search. It is the case of the petitioner that he was beaten by the police and that he suffered injuries. Hence, the petitioner gave a representation and thereafter, filed the present petition seeking compensation and taking action against the police.

4. The learned counsel for the petitioner submitted that the petitioner was in Hospital on 29.12.2017, when he was remanded by the Judicial Magistrate. Therefore, he submitted that the injuries suffered by the petitioner should be attributed only to the police and therefore, the writ petition deserves to be entertained.

5. Per contra, the learned Government Advocate refuted the above contentions and submitted that the petitioner has criminal antecedent inasmuch he is involved in two cases in robbery earlier and that he was arrested by the police in Crime No.548 of 2017, which is the third case.

6. In the opinion of this Court, the disputed question of fact cannot be gone into in a writ proceeding. Hence, this petition is closed with liberty to the petitioner to approach appropriate forum in accordance with law. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to Government of Tamil Nadu
Home Department
Secretariat, Chennai-600 009.

2.The Director General of Police
Mylapore, Chennai-600 004.

3.The Commissioner of Police
Salem.

+lcc to Mr.S.V.Karthikeyan, Advocate in sr.no.37343

W.P.No.14515 of 2018

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