

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2018

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.29525 of 2018

R.Shanmugam
S/o.Ramasamy,
Mariamman Kovil Street,
Nooralai Village,
Sankarapuram Taluk,
Villupuram District. ...Petitioner

Vs.

- 1.The Director General of Police,
Chennai.
- 2.The Deputy Inspector General of Police,
Villupuram Range,
Villupuram.
- 3.The Superintendent of Police,
Villupuram District,
Villupuram.
- 4.The Inspector of Police,
Tirukoilur Police Station,
Tirukoilur.
- 5.The Sub-Inspector of Police,
Rishivandiyam Police Station,
Rishivandiyam,
Tirukoilur Taluk.
- 6.Sabarimalai,
Sub-Inspector of Police,
Rishivandiyam Police Station,
Rishivandiyam,
Tirukoilur Taluk.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus directing the respondents 1 to 4 take appropriate action in accordance with law against the 6th respondent in accordance with the representation/complaint dated 18.09.2018.

For Petitioner : Mr.N.Suresh

For Respondents: Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

This Writ Petition has been filed seeking for a direction to the respondents 1 to 4 to take appropriate action in accordance with law against the 6th respondent.

2. The learned counsel for the petitioner would submit that on 13.09.2018 at about 8.00 p.m., a constable from the 6th respondent police station came to the house of the petitioner and had asked the petitioner to come to the police station. On 14.09.2018, the petitioner had gone to the 6th respondent police station and it is alleged by the learned counsel for the petitioner that the 6th respondent, who is the Sub-Inspector of Police, had taken the petitioner inside the room and had assaulted him ruthlessly. As a result of which, the petitioner had sustained injuries. Immediately, thereafter the petitioner was treated before the Government Hospital, Kallakurichi and entry has been made in the Accident Register to the effect that the petitioner was attacked in the Rishivandiyam Police Station on 14.09.2018 at 1.00 p.m.

3. Since, the 6th respondent happens to be a Sub-Inspector of Police, the petitioner had given a representation to the superior officers immediately to take action against the 6th respondent in accordance with law. The 6th respondent has proceeded with the case, even without registering the FIR and had gone to the extent of beating the petitioner in the police station. In spite of receipt of the complaint, since no action has been taken, the present Writ Petition has been filed before this Court.

4. The learned Additional Public Prosecutor would submit that the complaint will be enquired into by the 3rd respondent, who is the Superintendent of Police, Villupuram District and action will be taken in accordance with law.

5. This Court has carefully considered the submission made on either side. The allegations that have been made by the petitioner are quite serious in this case. There are prima-facie documents available by way of an Accident Register which reveals the fact that the petitioner has been attacked inside the police station on 14.09.2018 at 1.00 p.m. and this needs to be necessarily enquired into. It is not known as to how an enquiry of this nature was conducted even without registering the FIR. Admittedly, there are two complaints that have been

given by the petitioner on 18.09.2018 and 19.09.2018 seeking for action against the 6th respondent. These complaints have not been enquired and therefore the petitioner has approached this Court seeking for appropriate direction.

6. In the facts and circumstances of the case, the 3rd respondent is directed to enquire into the complaint given by the petitioner against the 6th respondent and take statements of the petitioner along with any other material that is sought to be relied upon by the petitioner and take appropriate action in accordance with law. This process shall be completed by the 3rd respondent within a period of four weeks from the date of receipt of a copy of this order.

7. With the above direction, the Writ Petition is allowed. No costs.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

lpp/kmm

To

- 1.The Director General of Police,
Chennai.
- 2.The Deputy Inspector General of Police,
Villupuram Range,
Villupuram.
- 3.The Superintendent of Police,
Villupuram District,
Villupuram.
- 4.The Inspector of Police,
Tirukoilur Police Station,
Tirukoilur.
- 5.The Sub-Inspector of Police,
Rishivandiyam Police Station,
Rishivandiyam,
Tirukoilur Taluk.

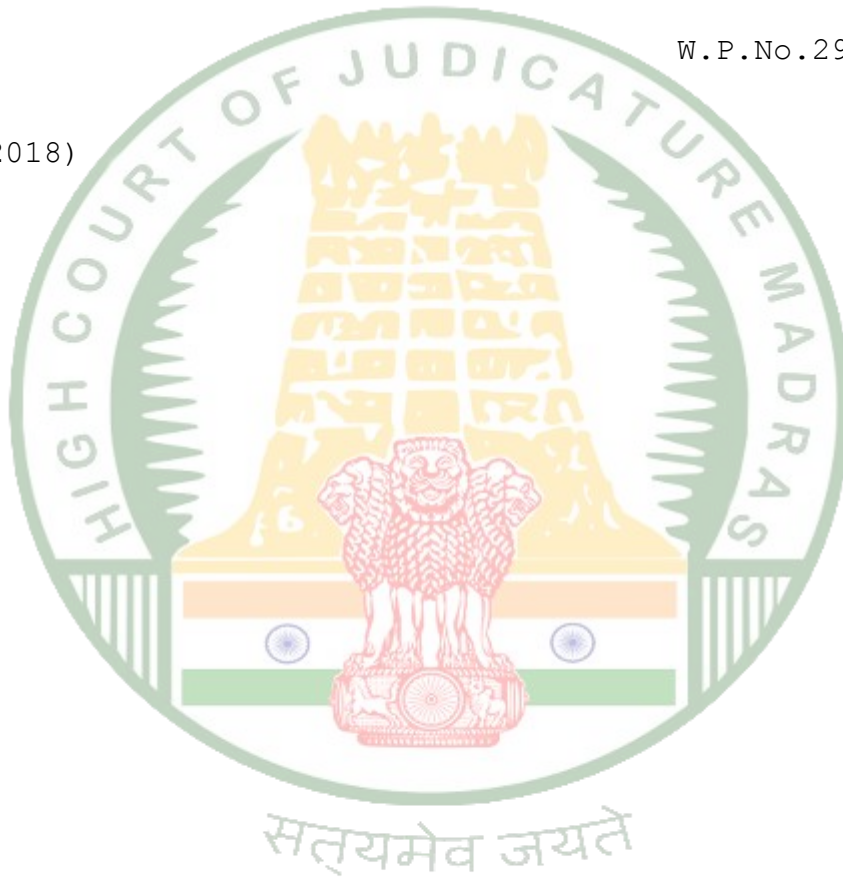
6.Sabarimalai,
Sub-Inspector of Police,
Rishivandiyam Police Station,
Rishivandiyam,
Tirukoilur Taluk.

7. The Public Prosecutor,
High Court,
Madras.

+ 1 cc to M/s. N. Suresh, Advocate SR.77372

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PP(CO)
EU(16/11/2018)



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