

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.11.2018

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.29684 of 2018

P.Karthick
S/o.Pakkirisamy.

... Petitioner

-vs-

- 1.The Chief Secretary,
Secretariat,
Chennai-9.
- 2.The Home Secretary,
Secretariat,
Chennai-9.
- 3.The Director General of Police,
Office of Director General of Police,
R.K.Road,
Chennai.
- 4.Inspector of Police,
Kanakammachatiram Police Station,
Thiruvallur District.
- 5.Inspector of Police,
Valasaravakkam Police Station,
Valasaravakkam, Chennai.
- 6.Sumathi,
- 7.Manikandan,
- 8.Thirthamoorthi,
- 9.Gunasekaran.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to take departmental action against the 5th to 9th respondents for violation of

petitioner's illegal arrest, detention, assault and mental and physical torture to him and also direct the 5th to 9th respondents to pay Rs.1,00,000/- compensation to the petitioner.

For Petitioner : Mr.G.Mohammed Aseef
For Respondents : Mr.M.Mohamed Riyaz (for R1)
Additional Public Prosecutor.

O R D E R

This petition has been filed seeking a direction for respondents 1 to 3 to take departmental action against respondents 5 to 9 for illegal arrest and detention of the petitioner.

2.Heard the learned counsel for the petitioner and learned Additional Public Prosecutor for the respondents.

3.The learned counsel for the petitioner would submit that there was a matrimonial dispute between the petitioner and one Nishanthi. The complaint was given by the mother of the said Nishanthi before the respondent Police against the petitioner. The respondent Police had illegally detained the petitioner for the whole day and had also attacked the petitioner and caused injuries to the petitioner. Therefore, the petitioner had made a representation to the higher officials to initiate departmental proceedings against the respondents 5 to 9. Since no action was taken, the present Writ Petition has been filed.

4.The learned Additional Public Prosecutor on instructions, would submit that a complaint was given by the mother-in-law of the petitioner and therefore, the petitioner was called to the Police Station and was enquired. After enquiry, since it was felt that the registration of F.I.R., will result in unnecessary complication in the matrimonial life, the parties were advised and the matter was amicably settled and the complaint itself has been closed. The learned Additional Public Prosecutor would further submit that no such incident as stated by the petitioner, took place in the Police Station.

5.This Court has carefully considered the submission made on either side and also the materials placed on record. The petitioner was called to the Police Station based on the complaint given by his mother-in-law. According to the petitioner, he was illegally detained in the Police Station and was also beaten.

6. According to the learned Additional Public Prosecutor, an enquiry was conducted among the parties and ultimately, the parties were advised and the matter was amicably settled and the complaint itself was closed. There are absolutely no material that has been placed before this Court to prove that the petitioner was attacked by the respondent Police and he had sustained any injuries. If really the petitioner had sustained serious injuries, the petitioner would have taken treatment for the same and placed the materials before this Court, however, that has not been done in this case. That apart, when the Police are conducting enquiry based on the complaint, the same cannot be taken to be an illegal detention. More particularly, in a matrimonial dispute, where the Police will have to necessarily spend some time with the parties in order to see if the issue can be amicably resolved.

7. This Court is not convinced by the grounds raised by the petitioner in the Writ Petition. This Court does not find any ground to direct the respondents 1 to 3 to take departmental action against respondents 5 to 9. The fact remains that the complaint itself has now been closed by the respondent Police after the parties agreed to resolve the dispute amicably among themselves. At this point of time, this Court does not want to keep this issue alive by giving directions based on the representation made by the petitioner.

In the result, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Chief Secretary,
Secretariat,
Chennai-9.

2. The Home Secretary,
Secretariat,
Chennai-9.

3. The Director General of Police,
Office of Director General of Police,
R.K.Road,
Chennai.

4. Inspector of Police,
Kanakammachatiram Police Station,
Thiruvallur District.

5. Inspector of Police,
Valasaravakkam Police Station,
Valasaravakkam, Chennai.

6. The Public Prosecutor,
High Court, Madras.

W.P.No.29684 of 2018

RK(CO)
GSP(06/12/2018)



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