



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.11.2018

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. No.30379 of 2018

WEB COPY

A.Ismayil

... Petitioner

Vs.

- 1.The Director General of Police,
Post Box No.601,
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 600 004.
- 2.The Deputy Inspector General of Police,
Vellore District, Vellore - 632 004.
- 3.The Superintendent of Police,
District Police Office,
Vellore - 632 012.
- 4.The Deputy Superintendent of Police,
Gudiyatham, Vellore District - 632 006.
- 5.Irudayaraj

6.V.Kamalakannan

...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 4 to consider my representation dated 10.10.2018 and consequently direct the respondent 1 to 4 to take appropriate action against the 5th and 6th respondents herein.

For Petitioner	: Mr.J.Prakasam
For Respondents 1 to 4	: Mr.M.Mohamed Riyaz
	Additional Public Prosecutor

O R D E R

This Writ Petition has been filed for a direction to the respondents 1 to 4 to consider the representation dated 10.10.2018 made by the petitioner and to take appropriate action against the respondents 5 and 6.

2.The learned counsel for the petitioner would submit that he is the Joint State General Secretary of a political party. This political party works for human rights and also does a lot



of social works. The organization also conducts protest for the welfare of the State of Tamil Nadu.

3.The learned counsel for the petitioner would submit that the respondents 5 and 6 wanted to take illegal action against the petitioner. Therefore an FIR was registered against the petitioner based on the false complaint given against him, in Crime No.545 of 2018 for an offence under Sections 294(b), 342, 323 and 506(i) of I.P.C. The petitioner was arrested in the said case and he was remanded to judicial custody. Therefore, the petitioner filed a petition for bail and the bail was granted by an order dated 09.10.2018 by the learned Judicial Magistrate, Gudiyatham. While granting bail, the Court below had imposed a condition that the petitioner should appear daily at 10.00 a.m. for 30 days.

4.The learned counsel for the petitioner would submit that when the petitioner went to the police station for complying with the condition, he was insulted and was prevented from complying with the condition. One more case was registered against the petitioner in Crime No.596 of 2018 for an offence under Sections 294(b), 353 and 506(i) of I.P.C. The petitioner was therefore forced to file an Anticipatory Bail petition before this Court and by an order dated 16.10.2018, this Court had granted Anticipatory Bail.

5.The learned counsel for the petitioner would submit that the respondents 5 and 6 are harassing the petitioner and are filing one FIR after another against the petitioner and therefore a complaint was given before the respondents 1 to 4 to take action against the respondents 5 and 6 and since no action was taken, this Criminal Original Petition has been filed before this Court.

6.The learned Additional Public Prosecutor on instructions, would submit that the respondents 5 and 6 have acted in accordance with law. The petitioner instead of complying with the direction imposed on him while granting bail, wants to overcome the same and has given a false complaint against the respondents 5 and 6. The learned counsel would further submit that there are absolutely no merits in the representation given by the petitioner.

7.The relief as sought for by the petitioner is totally misconceive. The detention of the petitioner pursuant to the arrest made by the respondents 5 and 6 cannot be called as an illegal detention. It is now the settled law that a person who is arrested pursuant to the FIR registered against him and remanded to judicial custody, cannot complain against it, as an illegal detention.



8.The petitioner also cannot complain that he is harassed by the respondents 5 and 6. When an FIR is pending, the petitioner should be called for an enquiry and the petitioner will have to appear before the respondent police and the same cannot be termed as a harassment.

9.If the petitioner thinks that no case has been made out against him in the FIR registered against the petitioner, the petitioner has to seek for an appropriate remedy by challenging the FIR or seek for a transfer of investigation without doing the same, the petitioner has given a representation to the respondents 1 to 4 and same is totally unsustainable.

10.This Court does not find any merit in this petition and accordingly, this Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ia/vsg1

To

- 1.The Director General of Police,
Post Box No.601,
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 600 004.
- 2.The Deputy Inspector General of Police,
Vellore District, Vellore - 632 004.
- 3.The Superintendent of Police,
District Police Office,
Vellore - 632 012.
- 4.The Deputy Superintendent of Police,
Gudiyatham, Vellore District - 632 006.
5. The Public Prosecutor,
High Court, Madras.

W.P.No.30379 of 2018

RK(CO)
GN(14/12/2018)