



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Dated : 16.04.2018

CORAM :

THE HONOURABLE MR.JUSTICE C.T.SELVAM
and
THE HONOURABLE MR.JUSTICE A.M.BASHEER AHAMED

W.P (MD) No.6022 of 2018
and
WMP (MD) Nos.5891 to 5894 of 2018

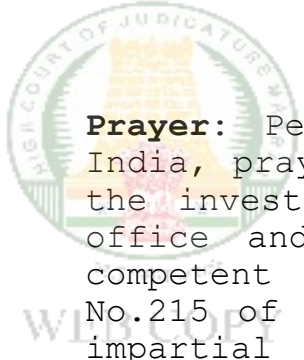
Madurai Bench High Court
Advocates Association
Represented by its Secretary,
T.Chandrasekaran
High Court Buildings,
Madurai - 625 023

... Petitioner

Vs.

- 1.The Home Secretary,
Government of Tamil Nadu,
Secretariat, Chennai - 9.
- 2.The Director General of Police,
D.G.P.Office, Mylapore,
Dr.Radhakrishnan Salai, Chennai - 5.
- 3.The Superintendent
Superintendent of Police Office,
Madurai District, Madurai - 625 007.
- 4.The Inspector of Police,
Usilampatti Town Police Station,
Madurai District.
(Crime No.215 of 2018)
- 5.The Additional Director General of Police,
(Office of Additional Director General of Police (ADGP)
Crime Branch Crime Investigation Department
(CBCID), No.220, Pantheon Road,
Enmore, Chennai - 8.
- 6.Mr.Raja
Sub Inspector of Police,
Special Team attached to the
Superintendent of Police Office,
Madurai - 625 007.

... Respondents



Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, to transfer the investigation from 4th respondent office to the 5th respondent office and consequently direct the 5th respondent to appoint a competent investigation officer to investigate the case in Crime No.215 of 2018 on the file of the respondent No.4 for a fair and impartial investigation and direct the 5th respondent to file periodic reporting to this Court on the progress made in the investigation.

For Petitioner	: Mr.M.Ajmalkhan
For Respondents	: Mr.K.Chellapandian
	Additional Advocate General
	Assisted by
	Mr.A.K.Baskarapandian,
	Spl.Govt.Pleader

ORDER

(Order of the Court was made by **C.T.SELVAM, J.**)

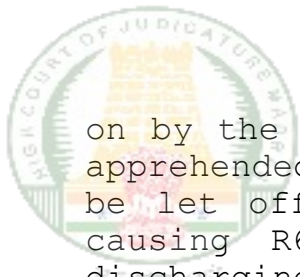
By consent, Writ Petition itself, is taken up for final disposal.

2. We have had the benefit of viewing the video footage produced reflecting the recordings of the video cameras at Usilmapatti Town Police Station in the presence of Mr.K.Chellapandian, learned Additional Advocate General, Mr.Ajmal Khan, learned Senior Counsel as also other counsel.

3. The clip has been played for us by a Head Constable viz.,Devaraj from Usilampatti Police Station.

4. The complainant Mr.V.Balan (Advocate) has informed that on 18.03.2018 at 6.30 a.m., when complainant was taking tea in a Tea stall adjacent to Usilampatti Town Police Station, R6 was seen assaulting one O.S.Pandi and the same was questioned by him. R6 who happened to be a Sub Inspector of Police attached to Special Team of the Superintendent of Police, Madurai started assaulting the complainant causing him bleeding injuries, his left eyebrow having been cut open. Further, he was taken in a police van towards Madurai. It is at this juncture, the 6th respondent Police received a phone call from some one and instructed the driver of the said van to go back to Usilampatti Police Station. Then the complainant was taken by R6 to police station, where the said Balan has preferred a complaint as against the said R6, Sub-Inspector of Police and others and the same was registered in Crime No.215 of 2018 on the file of four respondent Police, under Section 147, 294(b), 323, 427, 506(i) IPC.

5. Case in Crime No.216 of 2018 has been registered for offences under Sections 294(b), 341, 323 and 506(i) IPC., at the instance of the 6th respondent, who has informed that he was set up



on by the said Balan while he, who was on prohibition day duty had apprehended one Praman. Balan demanded that the person apprehended be let off and set upon the 6th respondent dealing him blows and causing R6 injury to his right wrist. R6 was prevented from discharging his duty.

WEB COPY

6. On the last hearing date, Mr.Ajmal Khan, learned Senior Counsel had submitted that CCTV footage would reveal the position that R6 had filed a false complaint towards making out a case of Balan, complainant, in Crime No.215 of 2018 being the aggressor. He submitted that CCTV footage in the said police station would reveal that clothes of R6 had not suffered any damage till such time R6, other police personal as also Balan and other advocates accompanying him had entered the police station. Thereafter, R6 had sought to create an impression that his shirt and vest had been torn owing to the actions of Balan.

7. We have viewed the footage and without hesitation would state that to the naked eye it is clear that R6 had entered the police station with his shirt in good condition. Viewing of footage in the record room of the station shows that he seeks to create the impression of having suffered damage to his shirt and vest.

8. Taking such position into consideration and that the case and counter relate to incidents involving police personnel of the 4th respondent police station wherein cases have been registered, it would be appropriate to transfer the investigation both in Crime Nos.215 and 216 of 2018 to the file of the 5th respondent. The 5th respondent is directed to complete investigation in these cases and file a final report within a period of 3 months from the date of receipt of a copy of this order.

9. Registrar Judicial, Madurai Bench of Madras High Court, is directed to take a copy of footage clipping in a pendrive and forward the original to the 5th respondent. Registrar Judicial shall cause a copy thereof to be held by him.

10. With the above direction, this Writ Petition shall stand disposed of. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AS)

/True copy/

Sub Assistant Registrar

To

1.The Home Secretary,
Government of Tamil Nadu,
Secretariat,
Chennai - 9.



2.The Director General of Police,
D.G.P.Office,
Mylapore,
Dr.Radhakrishnan Salai,
Chennai - 5.

3.The Superintendent
Superintendent of Police Office,
Madurai District,
Madurai - 625 007.

4.The Inspector of Police,
Usilampatti Town Police Station,
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(Crime No.215 of 2018)

5.The Additional Director General of Police,
(Office of Additional Director General of Police (ADGP)
Crime Branch Crime Investigation Department
(CBCID),
No.220, Pantheon Road,
Enmore,
Chennai - 8.

COPY T:
THE REGISTRAR(JUDICIAL)
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1CC TO M/S.A.JOHN VINCENT, ADVOCATE, SR NO.64602
+1CC TO SPECIAL GOVERNMENT PLEADER, SR NO.64522

Order made in
W.P (MD) No.6022 of 2018
16.04.2018

MPK/NBJ

MS/SV-MMS/SAR-4/28.04.2018/4P.9C