



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 30.08.2018
CORAM
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

WEB COPY

W.P. (MD) No.11850 of 2018
and
W.M.P. (MD) No.10784 of 2018

1.G.Satheendra Kumar
2.M.K.Remakumari

... Petitioners

Vs.

1.The Government of Tamil Nadu,
Rep. by its Secretary,
Department of Home Affairs,
Fort St.George,
Chennai - 600 009.

2.The Superintendent of Police of Kanyakumari,
At Nagercoil,
Kanyakumari District.

3.The Assistant Superintendent of Police,
Colachel,
Kanyakumari District.

4.E.Sai Charan Tejaswi, IPS,
Assistant Superintendent of Police,
Colachel,
Kanyakumari District.

5.Prema,
Sub Inspector of Police,
All Women Police Station,
Colachel,
Kanyakumari District.

6.Peter,
Head Constable,
Police Station,
Colachel,
Kanyakumari District.

7.K.Sudhakaran,
Special Sub Inspector of Police,
Police Station,
Karungal,
Kanyakumari District.

... Respondents

<https://hcservices.ecourts.gov.in/hcservices/>

PRAYER:- Writ Petition filed under Article 226 of the Constitution



of India seeking a Writ of Mandamus, directing the respondents 1 & 2 to initiate disciplinary proceedings against respondents 4, 5, 6 and 7, for their gross and grave indiscipline by their acts towards the petitioners, committed on 22.04.2017.

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For Petitioners : Mr.K.N.Thampi

For Respondents : Mrs.B.Bhagavathi
Government Advocate
for R.1 to R.3

ORDER

This writ petition has been filed for a direction to initiate disciplinary proceedings against respondents 4 to 7 for their gross and grave indiscipline by their acts towards the petitioners, committed on 22.04.2017.

2. The case of the petitioners is that the first petitioner is a Lawyer and the second petitioner, who is the first petitioner's wife, is a retired Engineer from Tamil Nadu Government Service. The petitioners' son was married to one Deepika, who is the daughter of the seventh respondent. There was a matrimonial dispute, which resulted in initiation of divorce proceedings in H.M.O.P.No.14 of 2017 and H.M.O.P.No.26 of 2017. Subsequently, since the said Deepika is the daughter of the seventh respondent, who is the Sub-Inspector of Police, it seems that the first petitioner was issued with a summons on 20.04.2017 by the Inspector of Police, Manavalakurichy, Kanyakumari District, asking him to appear before the police station. The first petitioner appeared before the police and he was made to wait the whole day and during the evening, the respondents 4, 6 & 7 and the said Deepika arrived there and the first petitioner was threatened and abused by them.

3. It is the further case of the petitioners that the first petitioner was locked up in a room in the police station. Thereafter, the fifth respondent took the first petitioner in custody and the seventh respondent and the said Deepika went to the house of the petitioners and started a search. The police persons even went to the extent of entering into the bed room of the petitioners. Thereafter, four gold bangles belonging to the second petitioner was removed from her and money was also taken from their house and they were given to the said Deepika.

4. The main grievance of the petitioners is that all the above said acts happened even without a complaint being made and without there being any First Information Report (FIR) registered in this case. According to the petitioners, it is a gross abuse of powers by the police persons, who had misused their official capacity.

5. The petitioners had given several lawyer notices. But, there was no reply and therefore, the present writ petition has been filed



for a direction to take disciplinary action against the erring police officials.

6. This case needs to be investigated by a higher authority, in order to find out whether any illegality has been committed by the police persons and whether they have misused their official capacity in order to harass the petitioners, just because the above said Deepika happens to be the daughter of the seventh respondent, who is a Sub-Inspector of Police.

7. This writ petition is disposed of, with a direction to the petitioners to submit a detailed representation to the Deputy Inspector General of Police, Tirunelveli, explaining the entire incidents that happened and also naming the persons who were involved during the said incident. This representation must be made by the petitioners within a period of two weeks from the date of receipt of a copy of this order. The Deputy Inspector General of Police, Tirunelveli, on receipt of the representation made by the petitioners, is directed to call all the parties concerned and conduct an enquiry, in accordance with law and take appropriate action, within a period of six weeks from the date of receipt of the representation from the petitioners. No costs. Consequently, connected miscellaneous petition is closed.

Sd/

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar (CS-I)

To

1. The Secretary to Government,
Government of Tamil Nadu,
Department of Home Affairs,
Fort St. George,
Chennai - 600 009.
2. The Superintendent of Police of Kanyakumari,
At Nagercoil,
Kanyakumari District.
3. The Assistant Superintendent of Police,
Colachel,
Kanyakumari District.
- 4) The Deputy Inspector General of Police,
Tirunelveli.

+1cc to Mr.K.N.THAMPI, Advocate, SR.No. 81328

+1cc to M/s.Special Government Pleader, SR.No. 81753

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and

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30.08.2018