



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.08.2018

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

WEB COPY

W.P.(MD).No.17975 of 2018

S.Kayalvizhi

...Petitioner

Vs.

1. The Government of Tamil Nadu,  
Rep by the Principal Secretary,  
Home Department,  
Fort Saint George,  
Chennai-600 009.

2. The Director General of Police,  
Tamil Nadu Police Department,  
Dr.Radhakrishnan Road,  
Chennai.

3. The Commissioner of Police,  
Madurai City,  
Madurai 625 007.

4. Pethuraj,  
Inspector of Police,  
Tallakulam Police Station,  
Madurai City,  
Madurai 625 002.

5. Alagumuthu,  
Sub Inspector of Police,  
Tallakulam Police Station,  
Madurai City,  
Madurai 625 002.

...Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the first respondent to issue necessary direction to the third respondent to take appropriate Departmental Action as against the respondents 4 and 5 based on the petitioner's representation dated 24.07.2018 made to the first respondent.

For Petitioner

:Mr.K.Kannan

For Respondents

:Mr.B.Bhagawathi  
Government Advocate

**ORDER**

This writ petition has been filed for an issuance of writ of mandamus directing to take departmental action against the respondents 4 and 5 based on the representation made by the petitioner dated 24.07.2018.

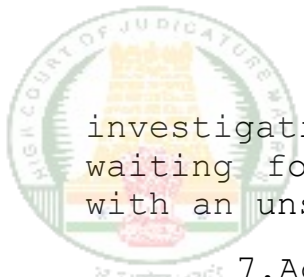
2.It is the case of the petitioner that her husband was attacked on 21.07.2018 by one Alagarsamy and he sustained grievous injury in view of the attack. The grievance of the petitioner is that the fourth respondent did not go to the hospital and conduct enquiry, but the Sub-Inspector of Police/fifth respondent herein was sent to the hospital only at 11 pm., and First Information Report was registered belatedly. The further grievance of the petitioner is that the First Information Report has been registered for an alleged offence under Sections 294(b), 323, 324 and 506 (ii) IPC and First Information Report ought to have been registered under Section 307 IPC also.

3.According to the petitioner, since the respondents 4 and 5 did not perform their duty properly, departmental action must be taken against them.

4.The learned Government Advocate appearing for the respondents would submit that based on the complaint given by the husband of the petitioner, the First Information Report has been registered in Crime No.1385 of 2018 and the same is pending investigation. It was also brought to the notice of this Court that the accused person was arrested and remanded to Judicial custody. Under such circumstances, when the investigation has been conducted in accordance with law, the present writ petition that has been filed, is a clear abuse of process of Court.

5.For the alleged incident that took place on 21.07.2018 a First Information Report has been registered and in the course of investigation the accused person has also been arrested and remanded to judicial custody. The case is under investigation by the fifth respondent. If the victim is not satisfied with the manner in which the investigation is conducted, the same has to be adjudicated in a different manner. However, the wife of the victim has chosen to file this writ petition, seeking for a direction to take departmental action against the respondents 4 and 5.

6.This Court does not find any merit in this writ petition. More particularly, due to the fact that investigation is being conducted by the fifth respondent and the accused person has also been arrested and remanded to judicial custody. The victim and the petitioner will have to necessarily await for the result of the investigation and only thereafter the manner in which the



investigation has been conducted will get revealed. Even without waiting for the same, the present writ petition has been filed with an unsustainable prayer.

7. Accordingly, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar (CS-I)

To

1. The Principal Secretary,  
Government of Tamil Nadu,  
Home Department,  
Fort Saint George,  
Chennai-600 009.
2. The Director General of Police,  
Tamil Nadu Police Department,  
Dr. Radhakrishnan Road,  
Chennai.
3. The Commissioner of Police,  
Madurai City,  
Madurai 625 007.

+1cc to Mr. K. Kannan, Advocate Sr.No. 78978  
+1cc to The Spl. Government Pleader Sr.No. 78864

RMK

VB/KAK/SAR1/31.08.2018/3P/6C

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