

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.02.2019

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.3454 of 2019

Thirukumaran

... Petitioner

..Vs..

1. The Director General of Police,
Government of Tamilnadu,
Kamarajar Salai,
Chennai-600 004.
2. The Superintendent of Police,
Kancheepuram district,
Kancheepuram.
3. The Deputy Superintendent of Police,
Kancheepuram District,
Kancheepuram.
4. The Inspector of Police,
B1, Siva Kanchi Police Station,
Kancheepuram,
Kancheepuram District.
5. Mr.Thulasi
Sub-Inspector of Police,
B1, Siva Kanchi Police Station,
Kancheepuram,
Kancheepuram District.
6. Mr.Kishore Kumar
B-6, Magaral Police Station,
Walajapath,
Kancheepuram District.

... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 4 consider the representation of the petitioner dated 28.12.2018 by holding enquiry under Section 151 of the Police Standing Order against the 5th and 6th respondents herein.

For Petitioner : Mr.R.Sankarasubbu

For Respondents 1-4 : Mr.A.N.Thambidurai
Spl.Govt. Pleader

O R D E R

The relief sought for in the present writ petition is for a direction to direct the respondents 1 to 4 to consider the representation submitted by the writ petitioner dated 28.12.2018 by holding enquiry under Section 151 of the Police Standing Order against the 5th and 6th respondents herein.

2. The learned counsel appearing on behalf of the writ petitioner states that the writ petitioner is running a business of lorry service in the name and style of Thirupathy Lorry Service, for transporting sand and other connected materials for construction work from the crusher for the past 10 years as per rules and regulations of the Government of Tamil Nadu without any kind of violation.

3. The writ petitioner states that while he was in V.K.J.Hospital at Kancheepuram, wherein, his wife Smt.Anushiya was admitted. There was a quarrel between himself and another person. The complaint of the writ petitioner is that the 6th respondent Mr. Kishore Kumar, Sub-Inspector of Police started scolding the writ petitioner by using unparliamentary words and accordingly, the writ petitioner has chosen to file the representation in order to initiate action against the Sub-Inspector of Police.

4. The writ petitioner filed a complaint against the 5th respondent, who is also serving as a Sub-Inspector of Police. The allegations of the writ petitioner is that the respondents 5 and 6 had beaten him and scolded by using unparliamentary language and degraded the family members. At the outset, the writ petitioner send a representation to the respondents 1 to 3 that the respondents 5 and 6 who are working as Sub-Inspector of Police had misbehaved with him and use unparliamentary words against himself and his family members. The present writ petition is filed for a direction to direct the respondents 1 to 3 to consider the representation submitted by the writ petitioner for the purpose of initiating disciplinary action against the respondents 5 and 6.

5. Pursuant to the directions of this Court, the Deputy Superintendent of Police, Kancheepuram Subdivision, filed a status report. The status report filed by the Deputy Superintendent of Police revealed that, On 27.12.2018, 6th respondent came to V.K.J Hospital which is situated at Nellukara

Street in Kancheepuram Town for taking medical treatment for his fever coupled with cold and cough. The enquiry conducted by the Deputy Superintendent of Police reveals that there was a long queue of patients waiting in the hospital for meeting the doctor. The 6th respondent was directed to sit in the waiting hall and his vital parameters were checked by the Para Medical Staff of the said hospital. At about 11.30 A.M, when the 6th respondent was waiting in the waiting hall, he saw a wordy quarrel taking place between the present writ petitioner Thirukumaran and one Mr.Ezhilarasan, with regard to their turn for meeting the doctors. The present writ petitioner Thirukumaran was shouting at Ezhilarasan with filthy language and also threatening him using harsh language. On seeing the situation the 6th respondent intervened in to quarrel and requested the writ petitioner Thirukumaran to stop shouting and threatening activities against the said Mr.Ezhilarasan, with a view to bring peace in the area. But the said Thirukumaran started using abusive words directing the 6th respondent to look after his own business and not to interfere in the quarrel. Thereupon, the 6th respondent directed Mr.Ezhilarasan to lodge a complaint with the Police Station.

6. The said Mr.Ezhilarasan gave a written complaint to the B-1, Sivakanchi Police station on 27.12.2018 at 14.00 p.m as against the writ petitioner Thirukumaran and based on the same, a First Information Report was registered on the file of the B-1, Siva Kanchi Police Station in Cr.No.640 of 2018, under Section 294(b) and 506(i) of IPC and the investigation in the matter was taken up by the 5th respondent.

7. When the 5th respondent sought to enquire the present writ petitioner and searched for him, he has absconded himself and filed a petition for Anticipatory Bail before the Hon'ble District and Sessions Judge No.II, Kancheepuram in C.M.P.No.440 of 2019 and anticipatory bail was granted to him by the said Hon'ble Court on 06.02.2019.

8. With a view to create a fear in the minds of the police personnel about the writ petitioner, the present writ petitioner has filed the writ petition praying for actions against the 5th and 6th respondent. The allegations made by the writ petitioner are per se false and denied. There is no truth in the same.

9. The Anticipatory bail petition preferred by the present writ petitioner Thirukumaran in C.M.P.No.440 of 2019, he has not chosen to make any allegations against the police personnel and only after obtaining the anticipatory bail in the criminal case, the writ petitioner has chosen to send representations to the higher police authorities seeking to take actions against the 5th and 6th respondents.

10. On enquiry, the Deputy Superintendent of Police also come to understand that the present writ petitioner is a permanent resident of Mettu Colony Street, Arpakkam Village, Wlajabad Taluk, Kancheepuram District and the said Arpakkam village is situated on the banks of the river Palar. The writ petitioner has been doing sand transporting business by using his own lorries in that locality. Now we have obtained information that the present writ petitioner is also illegally taking river sand from the river palar and selling to his customers. Since the same was not notices earlier, there was no legal actions taken against him so far.

11. The Deputy Superintendent of Police is of an opinion that he conducted an enquiry in respect of the allegations set out in the representation submitted by the writ petitioner and found that in order to threaten the police officials indirectly and to withdraw the police complaint, the present writ petition is filed. This apart, the case was registered against the writ petitioner pursuant to the complaint given by one Mr.Ezhilarasan and the respondents 5 and 6 are no way connected. Respondents 5 and 6 on witnessing the wordy quarrel between the writ petitioner and Mr.Ezhilarasan directed the Mr.Ezhilarasan to file a police complaint which he had done it and thereafter, the action was taken.

12. It is the duty of the Police officials to ensure peace and in the event of any such quarrel or offense being committed, they have to take appropriate action in the manner known to law. This being the expected conduct of the Police personnel when they are moving in the public. This Court is of an opinion that the respondents 5 and 6 had not committed any such violation of rules or misconduct as stated in the representation.

13. In view of the fact that a criminal case is already been registered, this Court is of an opinion that the writ petitioner has to face the trial by defending his case in the manner known to law.

14. With these observations, the writ petition stands dismissed. No Costs.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

Pkn

To

1. The Director General of Police,
Government of Tamilnadu,
Kamarajar Salai,
Chennai-600 004.
 2. The Superintendent of Police,
Kancheepuram district,
Kancheepuram.
 3. The Deputy Superintendent of Police,
Kancheepuram District,
Kancheepuram.
 4. The Inspector of Police,
B1, Siva Kanchi Police Station,
Kancheepuram,
Kancheepuram District.
 5. Mr.Thulasi
Sub-Inspector of Police,
B1, Siva Kanchi Police Station,
Kancheepuram,
Kancheepuram District.
 6. Mr.Kishore Kumar
B-6, Magaral Police Station,
Walajapath,
Kancheepuram District.
- +1 cc to the Government Pleader, S.R.No.13413

EV(CO)
SSM(21/03/2019).

W.P.No.3454 of 2019

सत्यमेव जयते

WEB COPY