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THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2019

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.No.22811 of 2012

Ammuthai

/vs/

... Petitioner

1. Government of Tamilnadu,
rep. by Home Secretary,
Fort St. George,
Chennai,
2. Inspector General of Police,
West Zone,
Coimbatore District,
Coimbatore.
3. Superintendent of Police,
Office of the Superintendent of Police,
Tiruppur District,
Tiruppur.
4. Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Palladam,
Tiruppur District.
5. Radhakrishnan,
Inspector of Police,
Kamanaikenpalayam Police Station,
Tiruppur District.
6. Sathyaraj,
S/o. Chinnasamy Goundu,
Navithen Thottam, Jallipatty,
Salur Taluk, Coimbatore District.

(R6 impleaded as per order dated 04.09.2012
by NPVJ in MP.No.1 of 2012 in W.P.No.22811/2012)

... Respondents



PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus directing the respondents 1 to 4 to take necessary action against the 5th respondent considering the representation of the petitioner dated 11.06.2012 and consequently direct the respondents to pay a sum of Rs.5,00,000/- towards compensation to the petitioner.

For Petitioner : Mr. A. Gokulakrishnan

For Respondents : Mr. I. Satish,
AGP, for R1 to R5

O R D E R

This writ petition has been filed seeking a compensation of Rs.5 lakhs for the act of the 5th respondent for insulting the petitioner.

2. According to the petitioner, there was a money dispute between the petitioner and one Sathyaraj, the sixth respondent herein. When the petitioner demanded money, 6th respondent's parents one Chinnaasamy and Deivathaal assaulted the petitioner, and hence, she has lodged a criminal complaint and the same was registered in Cr.No.743/2011 against the 6th respondent and his parents for the offences under Section 294 (b), 323 IPC. Thereafter, the 5th respondent, investigating officer, conducted investigation and compelled the petitioner to settle the dispute with said Sathyaraj, as he had come forward to pay a sum of Rs.80000/- in four installments. The petitioner was forced to accept for the said compromise, when she declined, the 5th respondent had thrown her out of the police station. In the above circumstances, as the petitioner was insulted and humiliated by the 5th respondent, has filed the present petition seeking compensation.

3. The fourth respondent, Deputy Superintendent of Police filed a counter affidavit stating that based on the complaint given by the petitioner, a criminal case was registered in Crime No.743 of 2011 for the offences under Section 294(b) and 323 IPC against the Sathiyaraj, his father and mother, and the same was taken cognizance by the learned Judicial Magistrate, Palladam, in STC No.173/2012, ultimately the criminal case ended in conviction. The petitioner has also filed a similar complaint before the learned Judicial Magistrate, Palladam making allegations against the 5th respondent and that complaint was forwarded to fourth respondent for conducting enquiry. Based on the said direction, an enquiry was conducted and it reveals that, it is



a civil dispute, the petitioner was directed to approach the civil court for recovery of the said amount.

4. The 5th respondent also filed a counter affidavit stating that he only conducted investigation, and he neither use unparliamentary words nor humiliate the petitioner.

5. On a perusal of the records, it is seen that based on the complaint given by the petitioner, a criminal case has been registered against the accused, which ultimately ended in conviction. However, a similar complaint given by the petitioner before the learned Judicial Magistrate, Palladam, against the 5th respondent was referred for investigation to the fourth respondent, and enquiry also reveals that, only the petitioner had approached the 5th respondent and requested to collect the money from the 6th respondent. The allegation regarding the insult or humiliation is not proved. Now, the 5th respondent also filed a counter affidavit denying the allegation of ill-treatment or using unparliamentary words against the petitioner. In the above circumstances, in the absence of any such materials to show that the 5th respondent has insulted or humiliated the petitioner, the prayer sought for by the petitioner cannot be granted.

6. Accordingly, this writ petition is dismissed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mrp
To

1. Government of Tamilnadu,
rep. by Home Secretary,
Fort St. George,
Chennai,
2. Inspector General of Police,
West Zone,
Coimbatore District,
Coimbatore.
3. Superintendent of Police,
Office of the Superintendent of Police,
Tiruppur District,
Tiruppur.



4. Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Palladam,
Tiruppur District.

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+1cc to Mr.A.Gokulakrishnan, Advocate SR.No. 88575
+1 cc to Government Pleader Sr.No. 88683

W.P.No. 22811 of 2012

Ad

A.SK(20/01/2020)