

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2019

CORAM

THE HON'BLE Mr. JUSTICE V.PARTHIBAN

W.P.No.3962 of 2011

V.Loganathan

... Petitioner

Vs.

- 1.The Inspector General of Police,
CBCID,
Guindy, Chennai.
- 2.The Superintendent of Police,
Dharmapuri District.
- 3.Mr.Rathinakumar,
The Inspector of Police,
Dharmapuri Police Station, Dharmapuri District.
- 4.Mr.K.Jaganathan,
The Special Sub-Inspector of Police,
Dharmapuri Police Station, Dharmapuri District.
- 5.Mr.Duraiarasan,
Head Constable,
Out post Police Station at
Government Medical College Hospital,
Dharmapuri District.

... Respondents

Prayer : Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus, to direct the respondents 1 and 2 to take department action on the basis of the representation of the petitioner dated 28.12.2010 within the stipulated time of four weeks.

For Petitioner : Mr.S.Gunalan

For Respondents : Mr.J.Ramesh,
Addl. Govt. Pleader for R1 & R2
: Mr.K.Balasubramaniam for R4 & R5
: R3 - Dismissed

O R D E R

The petitioner has filed the above writ petition to issue a Writ of Mandamus to direct the respondents 1 and 2 to take action against the respondents 3 to 5 for dereliction of duty, on the basis of the representation of the petitioner dated 28.12.2010.

2. From the facts and materials as disclosed in the writ affidavit, it appears that the petitioner had given a complaint to the jurisdictional police in regard to the incident which took place on 03.10.2010 at 10.00 p.m. According to the petitioner, he was beaten up by few persons and also they robbed gold chain and cash from the petitioner and in regard to the same, he lodged a complaint. But, the respondents 3 to 5 herein had not taken effective steps to investigate the matter. On the other hand, these respondents colluded with the accused persons and had not registered FIR properly. In the above circumstances, the petitioner herein had given a representation dated 28.12.2010, to the first respondent requesting to initiate action against the respondents 3 to 5.

3. From the averments as disclosed in the affidavit, it appears that the petitioner has some grievances against the respondents 3 to 5 in regard to their dealing with the complaint lodged by him, while discharging their official duties. Such grievance of the petitioner as against the respondents 3 to 5, cannot be the basis for filing the present writ petition and invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India. If the respondents 3 to 5 had not acted in furtherance of the official duties cast up on them, it is always open to the petitioner to file an appropriate complaint and pursue the matter in the manner known to law. But, certainly it is not open to the petitioner to invoke the extraordinary jurisdiction of this Court to direct the first respondent to take action against the so called erring police officials. If such direction is to be issued by this Court, it would only amount to presuming an act of misconduct on the part of the respondents 3 to 5. The jurisdiction of High Court cannot be invoked for obtaining such direction on the basis of self-serving averments of the petitioner.

4. For the above said reasons, this Court is of the view that the writ petition as it is, is not maintainable and the direction as sought in this writ petition cannot be granted. Therefore, the writ petition stands dismissed. No costs.

Sd/-

Deputy Registrar

//True copy//

Sub Assistant Registrar

gsk

To

1.The Inspector General of Police,
CBCID,
Guindy, Chennai.

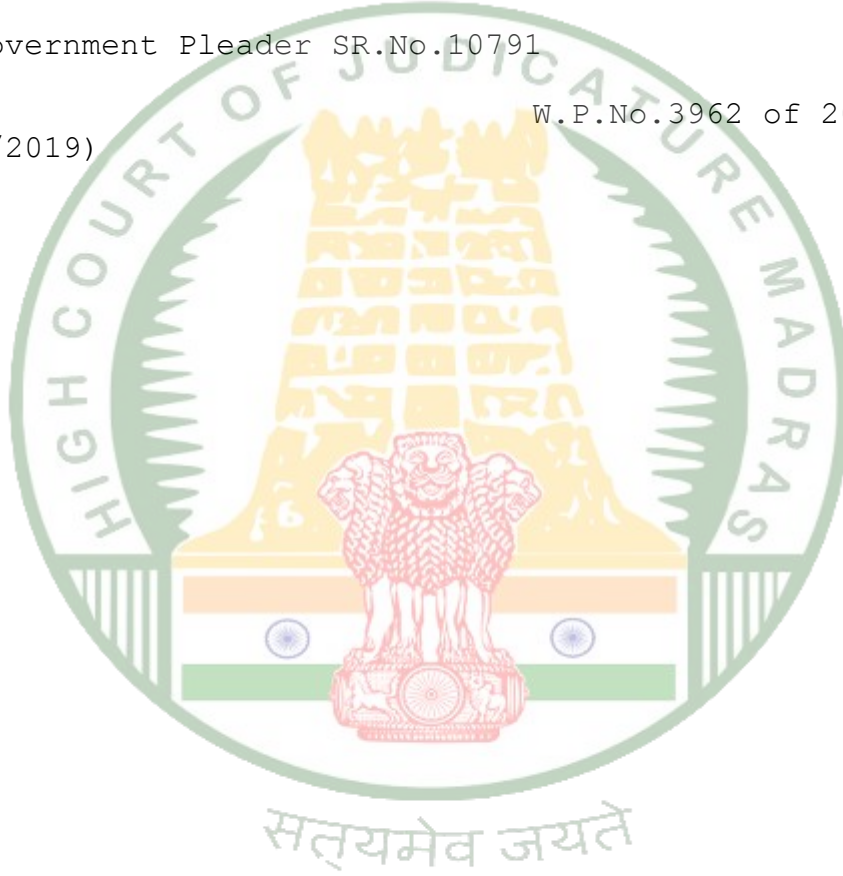
2.The Superintendent of Police,
Dharmapuri District.

+1cc to Mr.S.Gunalan, Advocate SR.No.10421

+1cc to Government Pleader SR.No.10791

W.P.No.3962 of 2011

GMV (21/02/2019)



WEB COPY