

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.18552 of 2016

P.Kumanan @ Shanthakumar

... Petitioner

Vs.

1. The State of Tamil Nadu,
rep. by the Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.

2. The Director General of Police,
Mylapore,
Chennai - 600 004.

3. The Commissioner of Police,
Coimbatore city,
Coimbatore.

4. The Superintendent of Prisons,
Central Prison,
Coimbatore.

5. C. Rajkumar

6. Nagaraj

... Respondents.

Prayer : Writ petition filed under Article 226 of the Constitution of India to direct respondents 1 to 3 to initiate appropriate action against respondents 5 and 6 for illegal arrest, detention and custodial torture of the petitioner and further directing respondent - 1, State of Tamil Nadu to pay the petitioner adequate compensation for violation of the petitioner's fundamental rights under Article 21 of the Constitution.

For Petitioner : Mr.P. Pugalenthir

For Respondents: Mr.M.Mohamed Riyaz

Additional Public Prosecutor
for RR1 to 4

WA for R5 & R6.

O R D E R

This writ petition has been filed to direct respondents 1 to 3 to initiate appropriate action against respondents 5 and 6 for illegal arrest, detention and custodial torture of the petitioner and further direction to the 1st respondent to pay the petitioner adequate compensation for violation of the petitioner's fundamental rights under Article 21 of the Constitution.

2. The learned counsel for the petitioner submitted that the petitioner was tortured by the 5th and 6th respondents for illegal arrest. The petitioner has submitted representation to the respondents 1 to 3 to take action against the 5th and 6th respondents but the same was not considered. Hence, this writ petition.

3. The learned Additional Public Prosecutor appearing for the respondents 1 to 4 submitted that the petitioner was arrayed as A3 in Crime No.394 of 2015 for offences under Sections 147, 148, 447, 363, 342, 324, 307 IPC and the relief sought for may not be granted.

4. Considering the facts and circumstances of the case and also submission made by the learned Additional Public Prosecutor, the prayer sought for in this petition cannot be granted. Hence, this writ petition stands dismissed. No costs.

s/d-
Assistant Registrar (CS V)

True Copy

Sub-Assistant Registrar

vsi2/ssr

To

1. The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.

2. The Director General of Police,
Mylapore,
Chennai - 600 004.

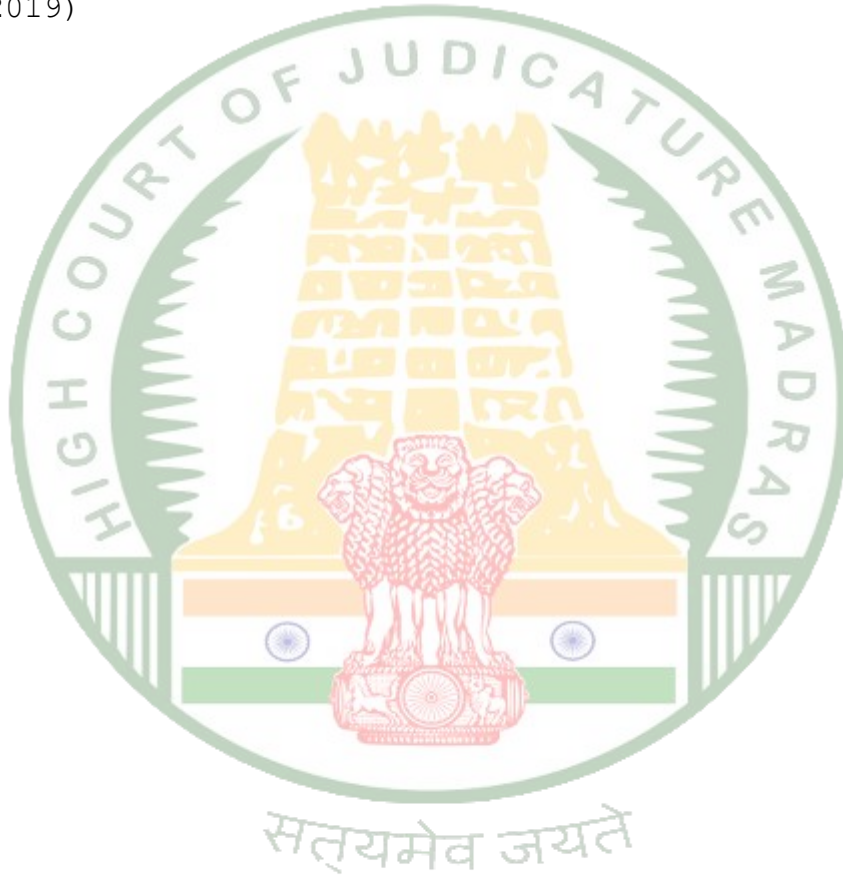
3. The Commissioner of Police,
Coimbatore city,
Coimbatore.

4. The Superintendent of Prisons,
Central Prison,
Coimbatore.

5. The Public Prosecutor
High Court, Madras 104.

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LN(CO)
SP(03/04/2019)



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