

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.10.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.NO.30372 OF 2019

Paramasivan
S/o.Ramasamy

.. Petitioner

-vs-

The Government of India rep.by

1. The Secretary to Government
The Ministry of Information and Broadcasting
New Delhi
2. The Home Secretary
Secretariat of Tamil Nadu
Chennai 600 009
3. The Director General of Police
DGP Office
Dr.Radhakrishnan Road, Mylapore
Chennai 600 004
4. The Commissioner of Police
Office of COP
Vepery, Chennai 600 007
5. The Regional Officer
Central Board of Film Certification
No.36, Shastri Bhavan
Chennai 600 006
6. The President
Tamil Nadu Film Production Council
No.606, Anna Salai
Film Chamber Office
Chennai 600 006
7. Mr.S.K.Subbiah
8. Mr.S.D.Ramesh Selvan

.. Respondents

Petition under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the first, second and fourth respondents to constitute a committee to hold enquiry with the respondents 6 to 8 regarding the movie "Nungambakkam" and order the Committee to submit the report before this Hon'ble Court to secure the ends of justice.

For Petitioner :: Mr.D.Mario Johnson

For Respondents :: Mr.D.Simon
 Central Government Standing
 Counsel for R1
 Mr.V.Shanmugasundar
 Special Government Pleader
 for R2 to 4

ORDER

This writ petition has been filed seeking issuance of a mandamus directing the respondents 1, 2 & 4 to constitute a committee to hold enquiry with the respondents 6 to 8 regarding the movie "Nungambakkam" and order the Committee to submit a report before this Court to secure the ends of justice.

2. The petitioner claims to be the father of one Mr.Ramkumar, an engineering graduate, who was arrested in connection with the murder case of Swathi, an IT employee. Since the occurrence took place on 24.6.2016 at the Nungambakkam Railway Station, after the murder of the said Swathi, a case was registered in Crime No.170 of 2016 by the Egmore Railway Police and the investigation was transferred to F3 Nungambakkam Police Station and the case was re-registered in Crime No.629 of 2016. Pursuant thereto, the petitioner's son late Ramkumar was arrested in his native place on 1.7.2016 with cut injuries on his neck in a mysterious condition and he was subsequently remanded to judicial custody for the murder of Swathi and confined at the Central Prison-II, Puzhal, Chennai. Thereafter, the petitioner came to know from the prison authorities that his son committed suicide in the prison premises by biting the live electric wire. Aggrieved and affected by the false case against his son Ramkumar, he has given complaints before the National Commission for Scheduled Castes and the Human Rights Commission. In the circumstances, the seventh and eighth respondents have produced a movie based on the real story of the petitioner's son Ramkumar. It was first named as 'Swathi Kolai Vazhakku' and after the intervention of the Police department and Swathi's family, it was renamed as 'Nungambakkam' and that the real story leading to the murder of the said Swathi has been featured in an effort to divert the legal process. Therefore, the petitioner has given representations on 31.7.2019 and 19.8.2019

to the respondents 1 to 5. In the meanwhile, the petitioner has come to this Court.

3. The learned Special Government Pleader for the respondents 2 to 4 stated that when the CCTV camera installed nearby the Nungambakkam Railway Station has clearly indicated the entire episode leading to the murder of Swathi on 24.6.2016, a criminal case was registered in Crime No.170 of 2016 by the Egmore Railway Police and then the investigation also was transferred to F3 Nungambakkam Police Station, where the case was re-registered in Crime No.629 of 2016.

4. When the criminal case had already been registered on the basis of the clinching evidence viz., CCTV camera installed nearby the Nungambakkam Railway Station indicating the happenings in connection with the murder of Swathi and the film was granted certificate by the Central Board of Film Certification for exhibition as per the guidelines issued under Section 5B of the Cinematograph Act and the Rules and that the petitioner's representations are also pending before the National Commission for Scheduled Castes and the Human Rights Commission, this Court, finding no merits whatsoever, is not inclined to entertain the writ petition. Accordingly, the writ petition fails and it is dismissed. Consequently, W.M.P.No.30366 of 2019 is also dismissed. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government of India
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2. The Secretary to Government
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3. The Director General of Police
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5. The Regional Officer
Central Board of Film Certification
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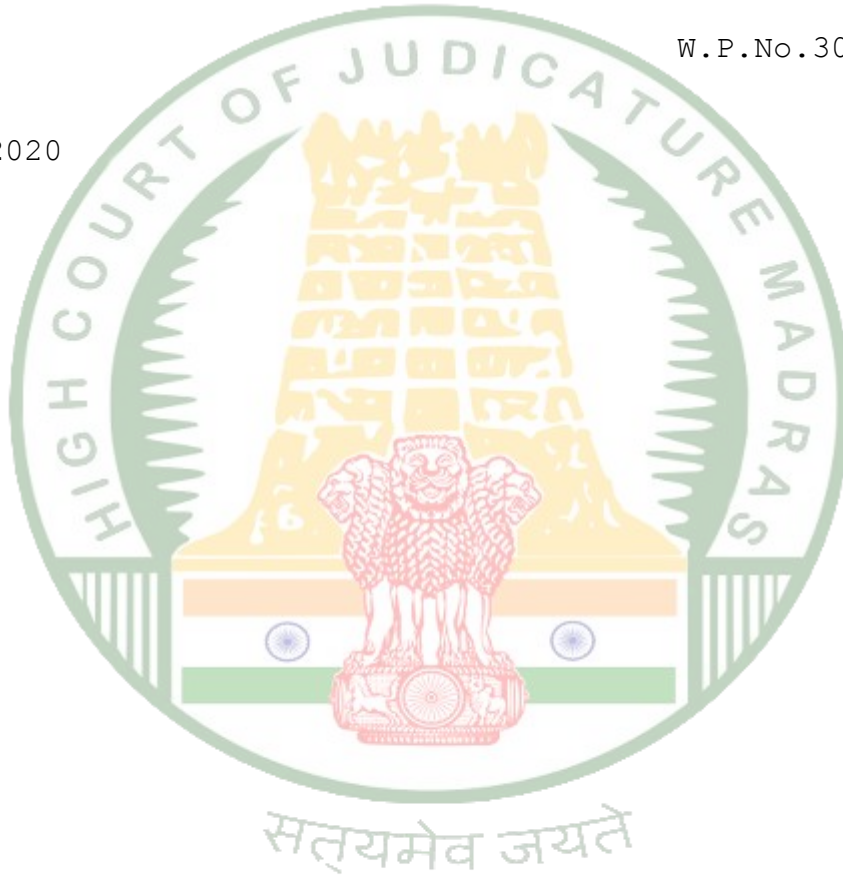
+1cc to Mr.D.Simon, Advocate, S.R.No.8954

+1cc to Mr.D.Mario Johnson, Advocate, S.R.No.89358

+1cc to the Government Pleader, S.R.No.90385

W.P.No.30372 of 2019

NRL (CO)
CS/30/01/2020



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