



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.04.2019

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THE HONOURABLE MR. JUSTICE B.PUGALENDHI

W.P. (MD) .3062 of 2015

Senthilnathan

.. Petitioner

Vs.

- 1.The Home Secretary,
Government of Tamil Nadu,
Secretariat,
Fort St. George,
Chennai - 9.
- 2.The Director General of Police,
Office of the Director General of Police,
Beach Road, Chennai.
- 3.The Inspector General of Police,
Office of the Inspector General of Police,
South Zone, Alagarkovil Main Road,
Madurai.
- 4.The Superintendent of Police,
Office of the Superintendent of Police,
Sivagangai.
- 5.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Karaikudi Subdivision,
Sivagangai District.
- 6.The Inspector of Police,
Karaikudi North Police Station,
Karaikudi, Sivagangai District.
- 7.Mr.Senthil Kumaran.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, for issuance of writ of Mandamus directing the respondent Nos.1 to 5 to conduct enquiry and take appropriate action against the respondent No.7 by considering the petitioner's representation, dated 27.02.2015 in accordance with law within the time stipulated by this Court.



For Petitioner : Mr.R.Alagumani

For Respondents : Mr.R.Anandaraj for R1 to R6
Additional Public Prosecutor

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ORDER

The accused No.1 in Crime No.348 of 2014 on the file of the Inspector of Police, Karaikudi North Police Station, Karaikudi, Sivagangai District, has filed this writ petition for issuance of Writ of Mandamus directing the respondents 1 to 5 to conduct an enquiry and to take appropriate action against the respondent No.7 who is working as the Inspector of Police, Karaikudi North Police Station, Karaikudi, Sivagangai District, by considering his representation, dated 27.02.2015.

2.According to the petitioner, when he appeared before the seventh respondent for enquiry along with his wife and requested him to take action as per his complaint, dated 14.08.2014, the seventh respondent abused them using filthy language and forced them to withdraw the complaint lodged by his wife.

3.The learned Additional Public Prosecutor by relying upon the counter affidavit filed by the sixth respondent would submit that the petitioner and his wife are arrayed as accused in Crime No.348 of 2014 for the offences punishable under Sections 420, 294(b), 506 (ii) of IPC. The investigation has been completed and the final report was also filed before the Judicial Magistrate, Karaikudi, which was also taken on file in C.C.No.368 of 2016 and pending. The seventh respondent is the Investigating Officer in that case. In order to wreck vengeance against the seventh respondent, who has filed the final report against them, this writ petition has been filed. He also referred the paragraph 5 and 6 of the counter affidavit filed by the sixth respondent.

"5.I submit that believing the words of the petitioner the defacto complainant had executed a power of attorney on 12.02.2014 in favour of the said Ravindran as directed by the petitioner. Instead of selling the property of the defacto complainant, the petitioner executed the settlement deed in favour of his wife namely one Gowri with an intention of cheating the defacto complainant. Finding that her property had been forcibly relieved off, the defacto complainant had requested the petitioner and her wife to pay the amount as promised by the petitioner. When the defacto complainant persist her demand of payment, she was threatened with dire consequences by the petitioner and his wife. As a result the defacto complainant had preferred a complaint before the then Inspector of Police, Karaikudi North Police Station i.e., the seventh respondent on 19.06.2014 and case was registered in Crime No.348/2014 under Section 420, 294(b)



and 506(ii) of IPC whereby the petitioner and his wife were arrayed as accused in the said case. Subsequently, the petitioner was arrested by the 7th respondent and remanded to judicial custody.

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6.I submit that initially the petitioner filed a bail application before the Honourable Sessions Court, Sivagangai in Cr.M.P.No.1962 of 2014 but it was dismissed. Similarly the petitioner's wife A2 also filed Cr.M.P.No.1909/2014 for anticipatory bail before the Sessions Court, Sivagangai and that too was dismissed. Thereafter, the petitioner filed Crl.O.P.(MD).No.13548 of 2014 before this Honourable Court for letting him bail and this Honourable Court vide its order, dated 23.07.2014 had let him interim bail on the basis of statement made by the petitioner that there was a likelihood of settlement between him and the defacto complainant through mediation. Thereafter the interim bail application of the petitioner had been extended time after time. Similarly, the petitioner's wife namely Gowri who is A2 had also filed anticipatory bail application before this Honourable Court in Crl.O.P.(MD).No.13546 of 2014 and this Honourable Court let her an interim anticipatory bail on 23.07.2014 only on the ground that there was a possibility of settlement between the parties and that too based on the assurance given by the said Gowri. But the petitioner and his wife though they attend the mediation and conciliation centre before this Honourable Court the issue between them and the defacto complainant could not be settled out. Finally the both criminal original petitions i.e., Crl.O.P.(MD).No.13546 & 13548 of 2014 was taken up for hearing by this Honourable Court on 13.11.2014 and this Honourable Court took up a strong exception against the attitude of the petitioners by giving contradictory averments before the Honourable Sessions Court, Sivagangai in Cr.M.P.No.1909/2014 and Cr.M.P.No.1962 of 2014 and this Honourable Court had dismissed the above said criminal original petitions conjointly."

4.It appears that this petitioner and his wife have been arrayed as accused in Crime No.348 of 2014 and a final report has also been filed against them and now pending in C.C.No.368 of 2016 on the file of the Judicial Magistrate, Karaikudi. The seventh respondent is the Inspector of Police who conducted the investigation in Crime.No.348 of 2014. In view of the stand taken by the respondent police in the counter affidavit paragraphs 5 and 6, this Court is not inclined to entertain this petition.



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

Sd/-

Assistant Registrar (C.O)

// True Copy //

Sub Assistant Registrar(CS)

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To

1. The Home Secretary, Government of Tamil Nadu, Secretariat,
Fort St. George, Chennai - 9.
 2. The Director General of Police, Beach Road, Chennai.
 3. The Inspector General of Police, South Zone,
Alagarkovil Main Road, Madurai.
 4. The Superintendent of Police, Sivagangai.
 5. The Deputy Superintendent of Police, Karaikudi Subdivision,
Sivagangai District.
 6. The Inspector of Police, Karaikudi North Police Station,
Karaikudi, Sivagangai District.
- +1 CC to M/s.R.ALAGUMANI, Advocate SR-59696.

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05.04.2019

CS(28.08.2019) 4P 8C