



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.09.2019**

CORAM

THE HONOURABLE MR. JUSTICE **G.K. ILANTHIRAIYAN**

W.P (MD) .No.1982 of 2018

Sasikumar

... Petitioner

Vs.

1.The Director General of Police (DGP)
Government of Tamil Nadu,
Beach Road, Mylapore,
Chennai - 4.

2.The Inspector General of Police,
South Zone, Madurai.

3.The Superintendent of Police,
Officer of the Superintendent of Police,
Sivagangai.

4.Rajamohamed

5.Saravanan

.. Respondents

Prayer : This petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus directing the respondents 1 to 3 to take action against the 4th and 5th respondents along with relating to the occurrence police constables on the basis of the petitioner's representation dated 29.06.2017 within the time stipulated by this Court.

For Petitioner: Mr.V.Malaiyendran

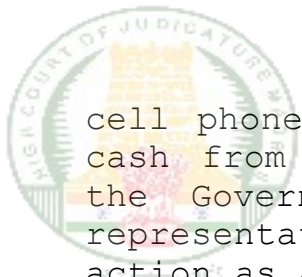
For R1 to R3 : Mr.K.Suyambulinga Bharathi

Government Advocate (Crl.side)

O R D E R

This petition has been filed seeking a direction to the respondents 1 to 3 to take appropriate action as against the 4th and 5th respondents herein.

2. The learned counsel for the petitioner submitted that on 24.06.2017, when the petitioner along with his family members were proceeding to worship their family God, the 4th and 5th respondents came there and enquired them. Without any reason, they attacked him and as such, the petitioner sustained grievous injuries. He submitted that the respondents 4 and 5 have also taken a



cell phone worth about Rs.18,000/- and also a sum of Rs.15,000/- cash from his pocket. Immediately, the petitioner admitted into the Government Primary Hospital. Therefore, he submitted a representation to the respondents 1 to 3 to take appropriate action as against the 4th and 5th respondents herein.

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3. The learned Government Advocate (Crl.side) submitted that the petitioner involved in a crime and committed the offence under Sections 341, 353, 294(b), 324 and 506(ii) of IPC., and as such the respondent police registered a case in Crime No.107 of 2017 on 24.06.2017. The respondent police have also completed the investigation and also filed the final report and the same has been taken cognizance in C.C.No.1 of 2018 by the Judicial Magistrate No.I, Sivagangai and the same is pending trial. Only to the clutches of law, a false representation has been sent as if the 4th and 5th respondents attacked the petitioner and as such, he sustained grievous injuries. There is absolutely false and the present Writ Petition being devoid of merits, is liable to be dismissed.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. side) appearing for the respondents 1 to 3.

5. The petitioner filed this petition to direct the respondents 1 to 3 to take appropriate action against the 4th and 5th respondents herein for the alleged occurrence took place on 24.06.2017, in which, the 4th and 5th respondent attacked the petitioner and as such he sustained injuries and they also stolen a sum of Rs.15,000/- and also taken away a cell phone worth about Rs.18,000/-.

6. It is seen that the petitioner did not lodge a complaint before any other authority, even according to the petitioner, he was admitted in the hospital and he was referred to higher hospital. There is absolutely no record that the petitioner was admitted in the higher hospital and also no intimation from the concerned hospital to the police station. That apart, the petitioner did not lodge any complaint for the stolen of cell phone by 4th and 5th respondents. On the other hand, a case has been registered as against the petitioner in Crime No.103 of 2017 for the offences under Sections 341, 353, 294(b), 324 and 506(ii) of IPC. Now, the investigation has been completed and final report has also been filed and it has been taken cognizance in C.C.No.1 of 2018 on the file of the Judicial Magistrate No.I, Sivagangai, which is pending for trial. Therefore, the present Writ Petition filed by the petitioner only to escape from the clutches of law. Therefore, the direction as sought by the petitioner cannot be considered.



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7. In the result, the Writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

vsd

To

- 1.The Judicial Magistrate No.I,
Sivagangai
- 2.The Director General of Police (DGP)
Government of Tamil Nadu,
Beach Road, Mylapore,
Chennai - 4.
- 3.The Inspector General of Police,
South Zone, Madurai.
- 4.The Superintendent of Police,
Officer of the Superintendent of Police,
Sivagangai.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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