



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 16.09.2019
CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P. (MD) .No.488 of 2018

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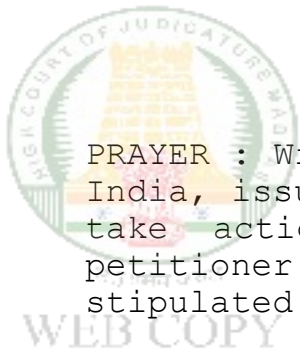
Martin

... Petitioner

Vs.

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.
- 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,
Central Zone, Trichy.
- 4.The Commissioner of Police,
Office of the Commissioner of Police,
Trichy.
- 5.The Inspector of Police,
Airport Police Station,
Trichy District.
- 6.The Inspector of Police,
Vettaikaran Police Station,
Trichy District.
- 7.The Inspector of Police,
Ponmalai Police Station,
Trichy District.
- 8.Kabilan,
Assistant Commissioner of Police(I.S),
Office of the Commissioner of Police,
Trichy District.
- 9.Mariyadoss,
Sub-Inspector of Police,
Cantonment Crime Branch,
Trichy District.
- 10.Murugesan,
Head Constable,
Cantonment Crime Branch,
Trichy District.

... Respondents



PRAYER : Writ Petition is filed under Article 226 of Constitution of India, issue a writ of mandamus, to direct the respondents 1 to 4 to take action against the respondents 5 to 10 by considering petitioner's representation dated 03.01.2018, within the time stipulated by this Court.

For Petitioner	: Mr.R.Alagumani
For R1 to R7	: Mr.K.Suyambulinga Bharathi, Government Advocate (Criminal Side)
For R8	: Mr.M.S.Jeyakarthick
For R9	: No Appearance
For R10	: Mr.T.Senthil Kumar

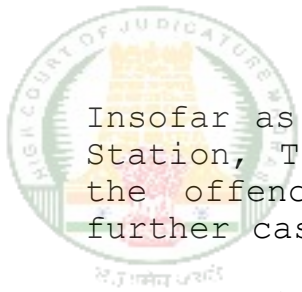
ORDER

The Writ Petition has been filed seeking direction to the respondents 1 to 4 to take action against the respondents 5 to 10 by considering petitioner's representation dated 03.01.2018.

2. The learned counsel for the petitioner would submit that the petitioner's son, namely, Prince was taken illegally by the respondents 5 to 10 and foisted a false case as against him. The respondents 8 to 10 have previous enmity with the petitioner as well as his son and therefore, they foisted a false case and also spoiled their entire life. They were detained the petitioner's son under the Goondas Act and subsequently, the said detention was set aside by this Court.

3. On 04.12.2017, when the petitioner's son came before the trial Court for re-calling his warrant, the police officials have taken him for illegal custody and foisted a false case as against him. Therefore, the petitioner lodged a complaint before the respondents 3 and 4 on 06.12.2017 itself. But, they have not taken any action on the complaint lodged by the petitioner. So many occasions, the petitioner personally visited the respondent's police station and he has been threatened with dire consequences and also threatened by false case will be foisted as against him also. Finally, he sent a detailed representation on 03.01.2019 for taking appropriate action as against the respondents 1 to 5 and it is pending for consideration till today.

4. The learned Government Advocate filed a counter and also submitted that the petitioner's son is a habitual offender, who has been causing law and order problem to the public and he was involved in 20 cases out of which, in Crime No.494 of 2017 on the file of the Ponmalai Police Station, was registered alleging that when the defacto complainant was returning to her home from her office, the petitioner and another two persons have snatched her 'Thalikodi' weighing 5.5 sovereigns and also caused grievous injuries to her.



Insofar as the other complaint is concerned, namely, Airport Police Station, Trichy, has been registered in Crime No.722 of 2017, for the offences punishable under Section 392 of IPC and also the further cases have been registered as against him are as follows:

(c) Airport Police Station, Crime No.115 of 2016, under Section 392 IPC.

(d) Cantonment Police Station, Crime No.61 of 2015, under Sections 392 r/w 397 of IPC.

(e) Fort Police Station, Crime No.759 of 2015, under Section 392 of IPC.

(f) Gandhi Market Police Station, Trichy City, Crime No.274 of 2013, under Sections 147, 148, 302, 506(ii) and 34 IPC.

(g) Gandhi Market Police Station, Trichy City, Crime No.304 of 2013, under Section 392 of IPC.

(h) Ponmalai Police Station, Trichy City, Crime No.388 of 2014 under Section 392 of IPC.

(i) Ponmalai Police Station, Trichy City, Crime No.509 of 2014 under Section 110 of Cr.P.C.

(j) Vettaikaran Iruppu Police Station, Nagai District, Crime No.61 of 2017, under Section 392 of IPC.

(k) Palakkarai Police Station, Trichy City, Crime No.26 of 2013, under Sections 387, 506(ii) IPC.

(l) Palakkarai Police Station, Trichy City, Crime No.1950 of 2010, under Sections 294(b), 506(i) IPC.

(m) Thiruverumbur Police Station, Crime No.324 of 2014, under Sections 454 and 380 of IPC.

(n) Thiruvarur Town Police Station, Crime No.669 of 2014, under Section 379 of IPC.

(o) Sivagangai Town Police Station, Crime No.741 of 2017, under Section 229 A IPC.

(p) Sivagangai Town Police Station, Crime No.470 of 2016, under Section 392 of IPC.

(q) Sivagangai Town Police Station, Crime No.432 of 2016, under Section 392 of IPC.

(r) Keevalur Police Station, Crime No.146 of 2016, under Section 392 IPC.

(s) Sessions Court Police Station, Trichy City, Crime No.314 of 2014, under Section 379 of IPC.

5.Now, the learned counsel for the petitioner seeking action as against the police officials for registration of the above complaints only to escape from the clutches of law. Therefore, he vehemently opposed to this petition.

6.The learned counsel for the 8th respondent also filed his counter and submitted that the petitioner's son is a habitual offender and he has involved in more than 20 cases for the very grave offences. The cases were registered as against the son of the



petitioner, on the complaints lodged by the various victims. The petitioner did not approached this Court with clean hands. In order to escape from the clutches of law, the present petition has been filed with intention to save the accused. However, he submitted that the respondents have done their official duty as prescribed under law. They have not acted unlawfully and no false case has been foisted as against the son of the petitioner. Therefore, the writ petition is liable to be dismissed.

7. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents.

8. It is seen that the petitioner's son is an accused in more than 20 cases. He is a habitual offender. He has also committed very grave offences. Nowadays, it is fashion that the accused persons lodging complaint as against the police persons. It is only to escape from the clutches of law. Likewise, the present writ petition has been filed by the father of the accused, making allegation as against the police officials, as if, the son of the petitioner was taken by the police officials and putting him in illegal custody.

9. It is seen from the reports submitted by the official respondents, the petitioner's son has been arrested in respect of various crime numbers and immediately, the arrest was informed to his relatives and thereafter, he has been properly remanded to judicial custody. There is no evidence to show that the petitioner's son was illegally detained and false case has been foisted as against him.

10. In such circumstances, the present writ petition is devoid of merits and it is also clear abuse of process of law. Accordingly, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.

2.The Director General of Police,
Office of the Director General of Police,
Beach Road, Chennai.

<https://hcservices.ecourt.gov.in/hcservices>



3.The Inspector General of Police,
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7.The Inspector of Police,
Ponmalai Police Station,
Trichy District.

+1 CC to Mr.T.SENTHIL KUMAR, Advocate (SR-86970[F] dated
17/09/2019)

+1 CC to Mr.M.S.JEYAKARTHIK, Advocate (SR-87200[F] dated
17/09/2019)

W.P. (MD) .No.488 of 2018
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