



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.09.2019

CORAM :

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

W.P.(MD)No.19602 of 2019

WEB COPY

Senthilvel

... Petitioner

Vs.

1.The Director General of Police,
Directorate of Police Department,
Chennai

2.The Assistant Director General of Police,
Directorate of Police Department,
Chennai

3.The Commissioner of Police,
Trichy District.

4.The Assistant Commissioner of Police,
Trichy District.

5.Vijayabaskaran
Inspector of Police,
Condonmend Police Station,
Trichy

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to take departmental action against the 5th respondent on the petitioner complaint given dated 08.08.2019 and to appoint an Enquiry Committee.

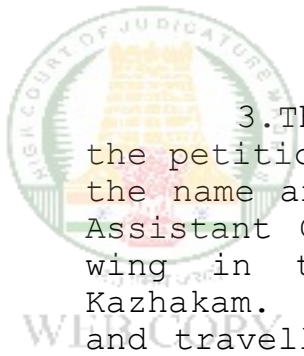
For Petitioner : Mr.A.Joseph Jerry

For Respondents : Mr.R.Anandharaj
Additional Public Prosecutor

O R D E R

This petition has been filed to direct the respondents to take departmental action against the 5th respondent on the petitioner's complaint, dated 08.08.2019 and to appoint an Enquiry Committee.

2.By consent of both parties, the main Writ Petition is taken up for final disposal at the stage of admission itself.

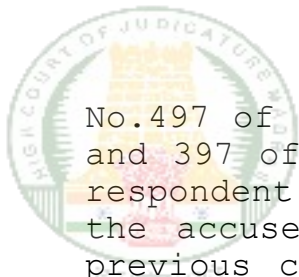


3.The learned counsel for the petitioner would submit that the petitioner is doing real estate and quarry operation business in the name and style "Vinayaga Agency". He is also having a post of Assistant Coordinator in Pudukottai North District in Agriculture wing in the Tamilnadu opposite party viz., Diravida Munnetra Kazhagam. On 04.03.2019, when the petitioner was acting as a driver and travelling to Uraiyur Town, the accused persons have kidnapped him at gun point, in order to grab his properties and also for ransom. He identified the accused and lodged the complaint before the Commissioner of Police and the same was forwarded to the fifth respondent. Since even then the complaint was not registered, he filed a petition for direction before this Court and on direction, a Crime has been registered in Crime No.479 of 2019, for the offences under Sections 364A, 343, 347, 395 and 397 of IPC, as against the 10 accused persons, in which the third respondent arrested only few accused persons and wantonly did not arrest other accused persons and he directly helped the other accused persons by not arresting them and not allowing them to obtain anticipatory bail. He would further submit that the petitioner also filed transfer of investigation on the file of the fifth respondent to some other agency in W.P.(MD)No.11346 of 2019 and it is pending. Therefore, he submitted a detailed representation to all Higher Officials for taking appropriate action as against the fifth respondent and the same is pending before the respondents 1 to 4 and they did not conduct any action on the representation given by the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner did not lodge any complaint before the fifth respondent, he directly lodged the complaint before the third respondent herein and the same was referred on the file of the fifth respondent. Thereafter, it has been registered in Crime No.497 of 2019 for the offences under Sections 364A, 343, 347, 395 and 397 of IPC as against 10 persons. He would further submit that according to the petitioner the occurrence was took place on 04.03.2019 and after five days on 09.03.2019 only he sent a complaint through Post to the third respondent herein. Though the case has been registered as against 10 accused persons, only 3 accused persons were arrested and yet to secure the other accused persons. Further, he would submit that the petitioner is a habitual offender, there are four previous cases are pending as against the petitioner and three cases are pending. The petitioner is only to escape from the clutches of law, the present Writ Petition has been filed to protect himself from the offence of fifth respondent from taking any lawful action as against him.

5.Heard both sides.

6.The petitioner, on the occurrence dated 04.03.2019 itself, lodged a complaint by registered Post on 09.03.2019 to the third respondent herein. On receipt of the same, it was forwarded to the



No.497 of 2019 for the offences under Sections 364A, 343, 347, 395 and 397 of IPC, as against 10 accused persons, in which the fifth respondent arrested some of the accused and yet to arrest some of the accused. While being so, the petitioner is also having four previous cases and three crimes are pending. Now the petitioner come forward to this Writ Petition for direction, directing the respondents 1 to 4 to conduct appropriate departmental action as against the fifth respondent, on the complaint, dated 08.08.2019. The petitioner is also a habitual offender and in which to escape from the clutches of law he also presented the complaint as against the fifth respondent, it is clear that abuse of process of law. That apart, there are dispute between the petitioner and the accused persons in respect of somany issues. Therefore, the petitioner did not lodge a complaint immediately after the occurrence before the jurisdiction police. The complaint has been sent by Registered Post with Acknowledgment Card to the Commissioner of Police vis., this respondent. Therefore, the present Writ Petition devoid of merits.

7.Accordingly, this Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Director General of Police,
Directorate of Police Department, Chennai.
 - 2.The Assistant Director General of Police,
Directorate of Police Department, Chennai.
 - 3.The Commissioner of Police, Trichy District.
 - 4.The Assistant Commissioner of Police, Trichy District.
 - 5.The Inspector of Police, Condonmend Police Station, Trichy.
 - 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.A.JOSEPH JERRY, Advocate SR-86607.

W.P. (MD)No.19602 of 2019

12.09.2019

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