



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.10.2019

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P. (MD)No.19515 of 2019

R.Shanmugam @ Shanmugasundaram

... Petitioner

Vs

1.The Inspector General of Police,
Office of the I.G.,
Jamal Mohammed College, Post Office,
Subramanayapuram, Trichy.

2.The Deputy Inspector General of Police,
Office of the DIG,
Jamal Mohammed College, Post Office,
Subramanayapuram, Trichy.

3.The Superintendent of Police,
Office of the S.P.,
Karur, Karur District.

4.The Sub-Inspector,
Karur Town Police Station,
Karur District.

5.E.Abdulla

... Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 3 to take appropriate action and departmental action against the fifth respondent by considering the petitioner's representation dated 25.06.2019, in accordance with law.

For Petitioner : Mr.R.Alagumani

For R-1 to R-4 : Mr.R.Anandharaj
Additional Public Prosecutor

ORDER

This petition has been filed to direct the respondents 1 to 3 to take appropriate action and departmental action against the fifth respondent by considering the petitioner's representation dated

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



25.06.2019.

2. The learned counsel for the petitioner would submit that the petitioner is running a homely hotel by name of 'CHOLA IN' at Gowerypuram, Kovari Road, Karur. While being so, one Dr.Baskar resident of Karur, who requested that his friends from Malaysia are arriving as a guest, for that, he booked a room on 09.05.2019. In respect of staying his guest there was some dispute between the said Baskar and the petitioner and as such, the petitioner was attacked by the said Baskar, his brother Saravanan (Advocate) and his sister Vasuki (Additional Public Prosecutor). Thereafter, the petitioner lodged a complaint before the respondents 4 and 5. On receipt of the same, he was issued C.S.R.No.231 of 2019. At the same time, a false complaint lodged by Mr.Baskar as against the petitioner, which was immediately registered in Crime No.319 of 2019 for the offence under Sections 147, 294 (b), 323, 379, 506 (i) of IPC. Thereafter, the petitioner filed a anticipatory bail petition before this Court in Crl.O.P.(MD)No.7396 of 2019. While pending anticipatory bail petition, the petitioner was arrested and remanded to judicial custody by the fifth respondent without committing any offence. Thereafter, the fifth respondent simply closed the complaint lodged by the petitioner in C.S.R.No.231 of 2019 as 'mistake of fact'. Hence, the petitioner sent a detailed representation to the respondents 1 to 3 to take appropriate action as against the respondents 4 and 5.

3. The learned counsel appearing for the fifth respondent would submit that occurrence was took place on 12.05.2019. The case has been registered as against the petitioner in Crime No.319 of 2019 for the offence under Sections 147, 294 (b), 323, 379, 506 (i) of IPC. On the complaint lodged by the petitioner, he was issued C.S.R.No.231 of 2019. After conducting enquiry, the complaint was closed as 'mistake of fact'. Since he is an accused in Crime No.319 of 2019 only escaped from the clutches of law, false case has been lodged as against the fifth respondent. He further submitted that closure report duly sent to the petitioner on 26.06.2019 onwards by post. Therefore, he prayed to dismissal of this writ petition.

4. The learned Additional Public Prosecutor appearing for the respondents 1 to 4 would submit that on the complaint lodged by one Baskar, a case been registered in Crime No.319 of 2019 for the offence under Sections 147, 294 (b), 323, 379, 506 (i) of IPC as against the petitioner. To escape from clutches of law, the petitioner lodged a another complaint and the same was received by the fifth respondent and issued C.S.R.No.231 of 2019. After conducting enquiry, it was closed as 'mistake of fact' and the closure report also duly given to the petitioner on 26.06.2019.

5. Heard Mr.R.Alagumani, the learned counsel for the petitioner and Mr.R.Anandharaj, the learned Additional Public Prosecutor appearing for the respondents 1 to 4.



6. The petitioner is running the homely hotel viz., 'CHOLA IN' at Gowerypuram, Kovari Road, Karur. While being so, one Mr.Baskar, booked room on 09.05.2019 for guest to be arrived from Malasiya. Thereafter, the said Mrs.Baskar requested the hotel managment to give a wakeup call tohim at 04.00 a.m on 10.05.2019 to catch their flight for Malasiya. Regarding this on 12.05.2019, the quarrel arose between the petitioner and the management of the petitioner's hotel and as such, complaint was lodged by Dr.Baskaran. The fifth respondent registered a case in Crime No.319 of 2019. The petitioner also lodged a complaint, for which, the fifth respondent has issued C.S.R.No.231 of 2019 to the petitioner. After conducting enquiry on the complaint lodged by the petitioner, the fifth respondent closed the same as 'mistake of fact' and the closure report was duly sent to the petitioner on 26.06.2019 by post. In respect of Crime No.319 of 2019, the investigation is still pending as against the petitioner. In fact, in the said crime, he was also arrested and remanded to judicial custody. As such, the complaint lodged by the petitioner as against the fifth respondent is nothing but only escape from the clutches of law. Now, the fifth respondent also transferred to some other police station and he is not the investigating officer. Therefore, the present writ petition is clearly abuse of process of law. Accordingly, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

dss

To

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