



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.09.2019

CORAM:

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

W.P. (MD) No. 19442 of 2018

K. Muruganantham ...Petitioner

Vs.

1. The Superintendent of Police,
Sivagangai District, Sivagangai.

2. The Inspector of Police,
Manamadurai Police Station,
Sivagangai District.

3. Kirubarani, WPC.228,
Thiruvadana All Women Police Station,
Ramanathapuram District.

...Respondents

(Address of the third respondent is amended by order of this Court, dated 12.09.2019 in W.M.P.(MD) No. 17597 of 2018)

PRAYER: This petition is filed under Article 226 of Constitution of India, to issue a **Writ of Mandamus**, to direct the first respondent to conduct enquiry against the third respondent and other police personals based on the petitioner's representation, dated 11.07.2018.

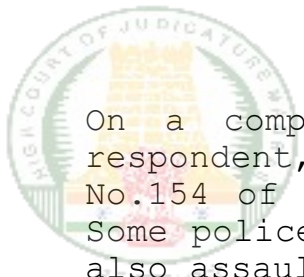
For Petitioner : Mr.S.M. Mohan Gandhi

For Respondents : Mr.B. Bhagawathi,
Government Advocate

ORDER

This writ petition has been filed to direct the first respondent to conduct enquiry against the third respondent and other police personals based on the petitioner's representation, dated 11.07.2018.

2. The learned counsel appearing for the petitioner would submit that while the petitioner was working as Conductor in the Tamil Nadu State Transport Corporation, Thiruppathur Branch, Sivagangai District in the bus bearing Regn. No.TN-63-N-1315 in the route of Thiruppathur to Manamadurai. The third respondent boarded in the aforesaid bus and travelling as a passenger without obtaining ticket. Therefore, the petitioner has requested her to obtain a ticket. In this regard, there was a dispute between them and thereafter, the petitioner was called upon by the second respondent.



On a complaint lodged by the petitioner as against the third respondent, the second respondent has registered a case in Crime No.154 of 2018 for the offences under Sections 147, 323 of I.P.C. Some police officials have come to the office of the petitioner and also assaulted and sustained grievous injuries in the ear and due to the injuries, the hearing power of the petitioner is less than 60% in his right ear. Therefore, the instant writ petition is filed before this Court for the aforesaid relief.

3. The second respondent has filed a status report. It is stated that after receiving complaint from the petitioner/defacto complainant a case has been registered in Crime No.154 of 2018, dated 15.06.2018 for the offences under Sections 147, 323 of I.P.C. and they have about to complete enquiry.

4. The learned counsel appearing for the third respondent would submit that there was a dispute while she was travelling in the bus where as in which the petitioner was conductor. Therefore, she lodged a complaint in which a case has been registered against the petitioner and driver in Crime No.153 of 2018 the same is pending for investigation.

5. Heard Mr.S.M. Mohan Gandhi, learned counsel appearing for the petitioner and Mr.B. Bhagawathi, learned Government Advocate appearing for the respondents.

6. On perusal of records, it is revealed that, baed on a complaint lodged by the petitioner as well as the third respondent, the second respondent has registered cases against them in Crime Nos.153 & 154 of 2018 for the respective offences. Now, investigation is still pending. Only after conclusion of investigation, charge sheet will be laid against the petitioner as well as the third respondent.

7. At this stage, the relief sought for by the petitioner cannot be granted based on the representation of the petitioner, dated 11.07.2018 and this Court cannot be issued direction to conduct enquiry against the third respondent. However, the first respondent is directed to conduct enquiry on the complaint lodged by the petitioner and passed orders on merits and in accordance with law.

8. With the above direction, the instant writ petition is disposed of.

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar(CS)



To

1. The Superintendent of Police,
Sivagangai District,
Sivagangai.
2. The Inspector of Police,
Manamadurai Police Station,
Sivagangai District.
3. Kirubarani, WPC.228,
Thiruvadanai All Women Police Station,
Ramanathapuram District.

+1CC TO MR.S.M.MOHAN GANDHI, Advocate Sr. No.86522

+1CC TO MR.J.BALAMEENAKSHI, Advocate Sr. No. 86677

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12.09.2019

TR(23.10.2019) 3P 6C