



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WEB COPY

W.P. (MD)No.631 of 2014

P.Petchimuthu

... Petitioner

Vs.

1.The Secretary to Government of Tamilnadu,
Home Department, Fort St. George,
Chennai.

2.The Inspector General of Police,
Establishment, Office of D.I.G., of Police,
Dr.Rathakrishnan Salai, Mylapore, Chennai-04.

3.The Superintendent of Police,
Special Branch C.I.D., Office of D.I.G of Police,
Dr.Rathakrishnan Salai, Mylapore,
Chennai-04.

4.The Superintendent of Police,
Tuticorin District.

5.R.Karunakaran, Sub-Inspector of Police,
SB,CID (Retired), S/o.Ramachandran,
4/360, Police Colony, Shanthinagar,
Palayamkottai, Tirunelveli District.

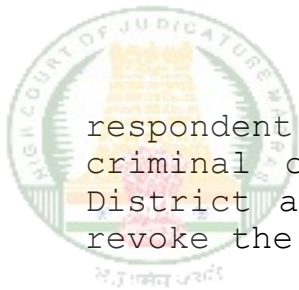
... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to take action against the 5th respondent for his wanton and intentional suppression of pending criminal case in S.C.No.191 of 2009 on the file of the learned District and Sessions Judge, Tuticorin and consequently, direct to revoke the retirement order of the 5th respondent.

For Petitioner	: Mr.S.Siva Ilayaraja,
For R1 to R4	: K.Mu.Muthu,
	Additional Government Pleader,
For R5	: Mr.C.Jeganathan,
	for Veera Associates

ORDER

The relief sought for in the present writ petition is for a direction to direct the respondents to take action against the 5th



respondent for his wanton and intentional suppression of pending criminal case in S.C.No.191 of 2009 on the file of the learned District and Sessions Judge, Tuticorin and consequently, direct to revoke the retirement order of the 5th respondent.

2. In respect of the services of the fifth respondent, the writ petitioner cannot seek a prayer to revoke the retirement order. The grievance of the writ petitioner is that, the fifth respondent had committed Human Rights violation and beaten up the writ petitioner in the police Station. However, the learned counsel for the petitioner states that the petitioner filed a private complaint before the competent Court of Law under the Human Rights Violation Act. Admittedly, the competent Criminal Court adjudicated the matter by conducting trial and acquitted the fifth respondent from the charges. The judgment of the Principal District Court, Tuticorin dated 25.04.2016 is submitted, which shows that the case filed against the fifth respondent by the writ petitioner ended with an order of acquittal.

3. The learned counsel appearing for the writ petitioner further states that the fifth respondent had suppressed the material facts resulted violation of Human Rights. However, all these disputed facts cannot be adjudicated in a writ proceedings under Article 226 of the Constitution of India. The writ petitioner further approached the competent Criminal Court of law under Human Rights Violation Act and he could not able to establish the charges and the case ended with an order of acquittal.

4. The fact remains that the case filed by the writ petitioner against the fifth respondent ended with an order of acquittal and the learned counsel for the petitioner states that an appeal has been preferred by the writ petitioner in CrI.A.No.376 of 2016 before this Court and the said appeal is pending. Thus, the writ petitioner is at liberty to pursue all the grounds raised in the present writ petition in the criminal appeal filed by him, which is pending before this Court. However, the relief as such sought for to revoke the retirement order of the 5th respondent cannot be granted as the writ petitioner is no way connected with the services of the fifth respondent. This being the factum, the relief stands rejected.

5. Accordingly, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar (CS)



To

1.The Secretary to Government of Tamilnadu,
Home Department,
Fort St. George,
Chennai.

2.The Inspector General of Police,
Establishment,
Office of D.I.G., of Police,
Dr.Rathakarishnan Salai,
Mylapore,
Chennai-04.

3.The Superintendent of Police,
Special Branch C.I.D.,
Office of D.I.G of Police,
Dr.Rathakrishnan Salai,
Mylapore,
Chennai-04.

4.The Superintendent of Police,
Tuticorin District.

+1 CC to M/s.SPL GP (SR-78237[F] dated 29/07/2019)

+1 CC to M/s.VEERA ASSOCIATES, Advocate (SR-78583[F]
dated 30/07/2019)

W.P. (MD) No. 631 of 2014

26.07.2019

Am

AM/SAR/06.08.2019/3P-7C