



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.11.2019

CORAM:

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

W.P. (MD) No. 21855 of 2019

and

W.M.P. (MD) No. 18605 of 2019

Vellai Thurachi

...Petitioner

-Vs-

1. The Director General of Police,
Dr. Radhakrishnan Salai,
Mylapore, Chennai.

2. The Deputy Inspector General of Police,
St. Thomas Road,
Maharajanagar,
Tirunelveli-627 001.

3. The Superintendent of Police,
Tirunelveli District.

4. The Inspector of Police,
Veeravanallur Police Station,
Tirunelveli District.

5. The Inspector of Police,
Tenkasi Police Station,
Tirunelveli District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, issue a Writ of Mandamus, to direct the respondents herein to take necessary action against the erring police personnel on the basis of petitioner's representation dated 30.9.2019 and within the time stipulated by this Court.

For Petitioner : Mr. V. Maharajan

For Respondents : Mr. R. Anandharaj
Additional Public Prosecutor

ORDER

The petition has been filed to direct the respondents herein to take necessary action against the erring police personnel, on the basis of the petitioner's representation, dated 30.9.2019 within the time stipulated by this Court.



2. The learned counsel for the petitioner submitted that the petitioner's son has been falsely roped in a criminal case and thereafter, he was granted bail on 21.09.2019. Again on 22.09.2019, at about 03.00 p.m., the fourth respondent had taken her son and kept him under illegal custody. When the petitioner enquired about his illegal detention, there is no proper reply from the fourth respondent. Thereafter, they created another false complaint and produce the petitioner's son before the learned Judicial Magistrate, Tenkasi on 23.09.2019. While the petitioner's son was in custody, he was brutally attacked by the police officials and as such, he was admitted in Tirunelveli General Hospital, (Jail Ward), on 25.09.2019. Therefore, the petitioner filed this Writ Petition to take appropriate action as against the erring police officials.

3. Per contra, the learned Additional Public Prosecutor submitted that the petitioner's son/Mahesh @ Pulikutty is a habitual offender, he involved two cases under Section 302 I.P.C. and other three cases before the fourth and fifth respondents and therefore, on 22.09.2019 in pursuant to the Crime No.559 of 2019 filed by the fourth respondent, the petitioner's son was arrested and remanded to judicial custody. Therefore, the present Writ Petition has been filed only to escape from the clutches of law. The petitioner's son is a habitual offender and he involved more than 5 cases, in which, two cases are registered under Section 302 I.P.C, on the file of the fourth and fifth respondents herein. On 22.09.2019, he was arrested and remanded to judicial custody in connection with a case in crime No.559 of 2019, filed by the fourth respondent police. Therefore, the petitioner's son being a habitual offender, he cannot seek any direction or to take action as against the police official, which is nothing but distract against the police officials from conducting proper investigation.

4. Considering the above facts and circumstances of the case, this Court is not inclined to allow this petition and this Writ Petition is devoid of merits and hence, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AS)

// True Copy //

Sub Assistant Registrar(CS)

Ls



To

1. The Director General of Police,
Dr. Radhakrishnan Salai,
Mylapore, Chennai.

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Tenkasi Police Station,
Tirunelveli District.

+1CC TO MR. V. MAHARAJAN, Advocate Sr. No. 96835

W.P. (MD) No. 21855 of 2019

07.11.2019

SCR (CO)

TR (05.12.2019) 3P 7C