



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.11.2019**

CORAM:

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

W.P.(MD) No. 22304 of 2018

and W.M.P.(MD) Nos. 20218 & 20219 of 2018

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Antony

...Petitioner

Vs.

1. The Secretary to the Government,
Home (Public Department),
Secretariat, Fort Saint George,
Chennai.
2. The Director General of Police,
Tamil Nadu Police Head Quarters,
Chennai.
3. The Deputy Inspector General of Police,
Tirunelveli Zone, Tirunelveli.
4. The District Collector,
Tirunelveli District, Tirunelveli.
5. The Superintendent of Police,
Tirunelveli District, Tirunelveli.
6. The Revenue Divisional officer,
Cheranmahadevi, Tirunelveli District.
7. The Assistant Superintendent of Police,
Nanguneri, Tirunelveli District.
8. The Inspector of Police,
Vijayanarayanam Police Station,
Tirunelveli District.
9. Velammal

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a **Writ of Mandamus**, directing the respondents to pay a sum of Rs.10,00,000/- (Rupees Ten Lakhs Only) to the petitioner as compensation for the loss of his son namely Selvakumar, due to the abetment of suicide by the 9th respondent in the form of custodial torture and ill-treatment on 14.08.2017 at Vijayanarayanam Police Station, Tirunelveli District and consequently direct the respondents 1 to 5 to initiate appropriate action against the 9th respondent based on the complaints given by the petitioner, dated 26.08.20-17 and 23.10.2017.

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



For Petitioner : Mr. M.Saravanan
For Respondent : Mr. R. Anandaraj
Nos.1 to 8 Additional Public Prosecutor
For R-9 : Mr. M.P. Senthil

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ORDER

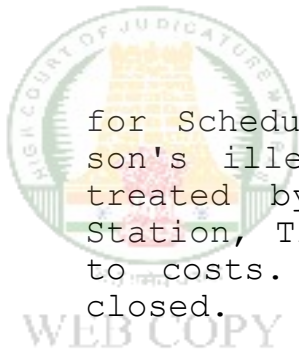
This writ petition has been filed to direct the respondents to pay a sum of Rs.10,00,000/- (Rupees Ten Lakhs Only) to the petitioner as compensation for the loss of his son namely Selvakumar, due to the abetment of suicide by the 9th respondent in the form of custodial torture and ill-treatment on 14.08.2017 at Vijayanarayanam Police Station, Tirunelveli District and consequently, direct the respondents 1 to 5 to initiate appropriate action against the 9th respondent based on the complaints given by the petitioner, dated 26.08.20-17 and 23.10.2017.

2. The learned counsel appearing for the petitioner submitted that on 14.08.2017, the petitioner's son was attacked by the 9th respondent and taken him to Vijayanarayanam (L & O) Police station, without mentioned any reasons. Thereafter, he went to the police station and enquired about illegal detention of his son and also requested to release him. The dispute between the son of the petitioner and his wife. He further submitted that, in this regard, he was taken to police custody. Thereafter, humiliating for the illegal detention attacked by the police he committed suicide by consuming poison on 14.08.2017 and immediately, he lodged a complaint on 15.08.2017, even then no enquiry was done by the Revenue Divisional Officer. Therefore, he sought compensation for loss of his son, due to abetment of committed suicide by the 9th respondent in the form of custodial interrogation at Vijayanarayanam Police Station, Tirunelveli District.

3. Heard the learned Additional Public Prosecutor appearing for the respondent police.

4. It is seen from the records that the petitioner sent representations to the Superintendent of police as well as the National Commission for Scheduled Castes, Chennai. Except those representations, the petitioner did not lodge a complaint before the Human Rights Commission to prove the illegal detention and the torture given by the concerned police officials. At this circumstances, the dispute cannot be considered directly without ascertaining the incident happens in the police station. Therefore, the writ petition is devoid of merits and the same is liable to be dismissed.

5. Accordingly, the writ petition is dismissed. However, the petitioner is at liberty to approach the said National Commission



for Scheduled Castes, Chennai with all material evidences for his son's illegal detention and custodial torture on 14.08.2017 ill-treated by the police officials of the Vijayanarayanam Police Station, Tirunelveli District. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

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To

1. The Secretary to the Government,
Home (Public Department),
Secretariat, Fort Saint George,
Chennai.
2. The Director General of Police,
Tamil Nadu Police Head Quarters,
Chennai.
3. The Deputy Inspector General of Police,
Tirunelveli Zone, Tirunelveli.
4. The District Collector,
Tirunelveli District, Tirunelveli.
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Nanguneri, Tirunelveli District.
8. The Inspector of Police,
Vijayanarayanam Police Station,
Tirunelveli District.
9. The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M.SARAVANAN, Advocate (SR-100427[F] dated 22/11/2019)

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-100483[F] dated 22/11/2019)

W.P.(MD) No. 22304 of 2018

21.11.2019

SMA/19/12/19/3P/12C