



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:20.11.2019

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P(MD).No.24649 of 2018

Jeya Sudha

.. Petitioner

Vs.

1.The State of Tamil Nadu
rep., by The Principal Secretary to Government,
Home Department,
Fort St.George, Chennai-600 009.

2.The Director General of Police,
Office of the Director General of Police,
Beach Road, Chennai.

3.The Superintendent of Police,
Office of the Superintendent of Police,
Ramanathapuram District.

4.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Mudhukulathur, Ramanathapuram District.

5.The Inspector of Police,
Mudhukulathur Police Station,
Ramanathapuram District.

6.Udhaya Suriyan,
The Deputy Superintendent of Police,
Mudhukulathur, Ramanathapuram District.

.. Respondents

Prayer : This petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 and 2 to take action against the sixth respondent on the basis of petitioner's representation dated 11.12.2018 and to direct the first respondent to pay fair and reasonable amount of compensation to the petitioner for the misuse of power by the sixth respondent in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.R.Anandharaj
Additional Public Prosecutor



ORDER

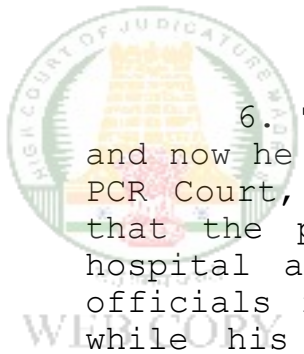
This petition has been filed to direct the respondents 1 and 2 to take action against the sixth respondent on the basis of petitioner's representation dated 11.12.2018 and to direct the first respondent to pay fair and reasonable amount of compensation to the petitioner for the misuse of power by the sixth respondent in accordance with law within the time stipulated by this Court.

2. The case of the prosecution is that the petitioner's sister's son aged about two years was suffering from fever and as such, he was admitted in the Pavithra Hospital, Mudukulathur. Due to the false treatment, the boy was shifted into another hospital viz., Thambi Hospital, Paramakudi. Therefore, the petitioner's brother lodged a complaint before the fifth respondent as against the Pavithra Hospital authorities. After receiving the complaint, the fifth respondent did not take any action on the complaint. Whereas, they received false complaint from the Pavithra Hospital authorities and registered a case in Crime No.150 of 2018 and also detained his brother illegally in Police Station. Therefore, the petitioner sought compensation for illegal activity of the sixth respondent and appropriate action for illegal detention of her brother.

3. Per contra, the Additional Public Prosecutor filed a counter and submitted that due to the false treatment given to the petitioner's sister's son, the petitioner's brother entered into concerned hospital and cause damages is very serious offence. Therefore, on the complaint lodged by the hospital authorities on 09.12.2018, the fifth respondent registered a case in Crime No.150 of 2018 for the offences under Sections 294 (b), 352, 506 (ii) of IPC r/w Section 3 of Tamil Nadu Public Property)Prevention of Damage and Loss) Act, 1992 and Section 3 (1) (r) and Section 3 (1) (s) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Amendment Act, 2015. After completion of investigation, the respondent police filed a final report and the same has been taken cognizance in S.C.No.33 of 2019 on the file of the PCR Court, Ramanathapuram, and it is pending for trial. Therefore, the petitioner's brother was never detained illegally and no such incident was happened as alleged by the petitioner. Hence, he prayed to dismissal of the petition.

4. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

5. It is seen from the records, the petitioner filed this petition for taking appropriate action as against the sixth respondent and compensation for illegal custody of her brother. The petitioner is being an advocate, she filed this writ petition seeking direction with the above said prayer without lodging any complaint.



6. The petitioner's brother involved in Crime No.150 of 2018 and now he is facing trial in S.C.C.No.33 of 2019 on the file of the PCR Court, Ramanathapuram. There is absolutely no evidence to show that the petitioner's brother lodged a complaint as against the hospital authorities. That apart, he never approached the higher officials for his illegal custody and torture given by the police while his arrest. Further, the compensation sought for by the petitioner cannot be ordered mechanically. The custodial torture and illegal detention have to be proved before the trial Court by producing evidence. Therefore, the entire writ petition is misconceive and devoid of merits. Accordingly, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

Dss

To

- 1.The Principal Secretary to Government,
State of Tamil Nadu,
Home Department,
Fort St.George,
Chennai-600 009.
- 2.The Director General of Police,
Office of the Director General of Police,
Beach Road, Chennai.
- 3.The Superintendent of Police,
Office of the Superintendent of Police,
Ramanathapuram District.
- 4.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Mudhukulathur,
Ramanathapuram District.
- 5.The Inspector of Police,
Mudhukulathur Police Station,
Ramanathapuram District.

+1 CC to Mr.DR.R.ALAGUMANI, Advocate (SR-100809[F]dated
22/11/2019)

W.P(MD).No.24649 of 2018
20.11.2019

VB(16.12.2019) 3P 7C

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