



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE **V.BHARATHIDASAN**

W.P. (MD)No.5551 of 2016

S.Lathan

... Petitioner

Vs.

1.The Secretary to Government of Tamil Nadu

Home and Police Department

Fort St.George

Chennai 09

2.The Director General of Police

Beach Road

Chennai 01

3.The State represented by

The Deputy Inspector of Police

Tirunelveli Region

Tirunelveli District

4.The Superintendent of Police

At Nagercoil

Kanyakumari District

5.C.Arul Dhas

The Sub Inspector of Police

Eraniel Police Station

Eraniel, Kanyakumari District

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to take appropriate action as against the 4th respondent for his negligence in the duty for committing offence under Section 166A, 167 and 168 I.P.C and consequently direct the respondents to pay a compensation of Rs.5,00,000/- to the petitioner for the agony suffered by the petitioner due to the illegal activities of the 4th respondent by considering the representation of the petitioner dated 03.12.2015.



For Petitioner : Mr.S.C.Herold Singh
For Respondents 1 to 4 : Mr.K.K.Ramakrishnan
Additional Public Prosecutor

O R D E R

This Writ Petition has been filed directing the respondents to take appropriate action as against the 4th respondent due to his illegal activities and consequently direct the respondents to pay a compensation of Rs.5,00,000/- to the petitioner for the agony suffered by the petitioner due to the illegal activities of the 4th respondent.

2.The grievance of the petitioner is that there was a wordy quarrel between the petitioner and some of the villagers while the Revenue Officials inspecting the prompoku land for the construction of an "Anganvadi", at that time, some of the accused persons attacked the petitioner and he sustained injuries. Subsequently, he was admitted in the Asaripallam Government Hospital on 22.02.2014. Even though the information received by the police on 22.02.2014, the fifth respondent police registered a case in Crime No.116 of 2014 for the offences under Sections 147, 294(b), 323 and 506(ii) I.P.C only on 24.02.2014. Further grievance of the petitioner is that without conducting proper investigation, a negative final report has been filed and the case was closed as 'mistake of fact'. The R.C.S notice was not served on the petitioner. In this circumstance, the petitioner lodged a complaint to the authorities concerned alleging that the fifth respondent police has not properly enquired the matter. So far, no action has been taken. Hence, the present petition has been filed.

3.The fourth respondent namely, the Superintendent of Police, Kanyakumari District, has filed a counter affidavit, wherein it is stated that while the Revenue Official inspected the poramboke land near the house of the petitioner to construct a nutritious meals centre, the petitioner picked up wordy quarrel with other villagers and also created a scene and he was admitted in the Government Medical College, Asaripallam, Kanyakumari District on 24.02.2014. Thereafter, the fourth respondent police obtained a statement from the hospitalized petitioner, based on the same, HC-1520 Aruldas registered a case is Crime No.116 of 2014 for the offences under Sections 147, 294(b), 323 and 506(i) I.P.C. Thereafter, the case was investigated by one Mr.Kalaiselvan, then the Sub Inspector of Police. After investigation, the case was dropped on 29.03.2014 as 'Mistake of fact' and the R.C.Notice in C.No.154/14 dated 11.08.2014 was served on the petitioner. No person in the name of C.Aruldas who is arrayed as fifth respondent herein served at Eraniel Police Station in the rank of Sub Inspector of Police on the alleged date of occurrence. He further stated that the case was investigated only by Mr.Kalaiselvan, then the Sub Inspector of Police.



4. On a perusal of material, it is seen that the prayer sought for by the petitioner is for taking action against one Aruldhass, arrayed as fifth respondent herein. The counter filed by the fourth respondent reveals the fact that no person called Aruldhass was working in the Eraniel Police station. The entire investigation has been investigated by one Mr. Kalaiselvan, then the Sub Inspector of Police. That apart, on a perusal of record discloses that based on the complaint given by the petitioner, the F.I.R has been registered and the investigation was also conducted. Thereafter, a negative final report has been filed.

5. Considering the fact that the entire investigation in this case has been conducted by one Mr. Kalaiselvan, then the Sub Inspector of Police and also the fact that the petitioner only prevented the revenue officials from discharging their duties, the prayer sought for by the petitioner cannot be granted and this Writ Petition is liable to be dismissed. Accordingly, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (AD II)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Secretary

Government of Tamil Nadu

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At Nagercoil

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5.The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai

+1cc to Mr.S.C.HEROLD SINGH, Advocate, SR.No.78070

W.P. (MD)No.5551 of 2016

Dated: **25.07.2019**

MSA

KK/SAR/22.08.2019/4P-7C/