

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2020

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.4014 of 2020

R.Parthiban,
S/o Ramakrishnan
Thenpaadhi Street,
Pudhuthurai Post,
Seerkazhi Taluk,
Nagapattinam District.

...Petitioner

Vs.

1. The State of Tamilnadu,
represent by its Secretary,
Home Department, Fort St.George
Chennai 600009
2. The Director General of Police
Dr.Radhakrishnan Salai,
Mylapore, Chennai 600004
3. The Deputy Director General of Police,
OCIU Special Wing,
O/o.DGP, Radhakrishnan Road,
Mylapore, Chennai 600004.
4. The Superintendent of Police,
Nagapattinam,
Nagapattinam,
5. The Inspector of Police
Sirkazhi Police Station,
Sirkazhi, Nagapattinam District.

...Respondents

Prayer: Writ Petition filed under section 226 of constitution of India, Writ of Mandamus forbearing the respondents form falsely implicating the petitioner in Criminal Cases based on the petitioner representation dated 22.11.2019 and to take appropriate action on the representation of the petitioner against the erring officials who were made false implication of the petitioner in the Criminal Cases within a stipulated time.

For Petitioner : Mr.C.Prabakaran
For R1 : Mr.Elumalai
For R2 to R4 : Mr.S.Karthikeyan
Additional Public Prosecutor

O R D E R

This petition has been filed for a direction, forbearing the respondents from falsely implicating the petitioner in Criminal Cases based on petitioner representation dated 22.11.2019 and to take appropriate action on the representation of the petitioner against the erring officials who were made false implication of the petitioner.

2.The learned counsel for the petitioner would submit that the petitioner was arrested in pursuant to a case registered in Crime No.216 of 2018 for the offences under Sections 147,148,302, 341 of IPC and Section 3, 4(a) of Explosive Substances Act 1908 and also under Section 3(1) of the Taminadu Public Property (Prevention of Damage & Loss) Act, 1992. He was arrested by the fifth respondent illegally and was taken into the custody and he was beaten up with the help of an iron rod. Therefore, the petitioner sustained fracture in his leg and thereafter, he was admitted in the Government Hospital, Trichy. He further submitted that his wife already filed W.P.No.18711 of 2018 before the Madurai Bench of this Court for immediate action to prevent fake encounter and direct the respondent to take the Judicial remand through video conference from Trichy Central Prison.

3.The learned Additional Public Prosecutor would submit that the Writ Petition is filed with a blanket prayer and it is liable to be dismissed in limini.

4.The petitioner is custody in Crime No.216 of 2018 registered for the offence offences under Sections 147,148, 302, 341 of IPC and Section 3, 4(a) of Explosive Substances Act 1908 and also under Section3(1) of the Taminadu Public Property (Prevention of Damage & Loss) Act, 1992 and after completion of investigation now the charge sheet has been filed and pending committal in P.R.C.No.5 of 2019 on the file of the Judicial Magistrate,Seerkazhi, the Writ Petition has been filed only to escape from the clutches of the above crime committed by him and he has committed very serious crime. Though in the Writ Petition and in his representation as well as affidavit filed in support of the Writ Petition, it has been stated that the petitioner was beaten up in custody of the fifth respondent and his leg was

broken, there is absolutely no evidence produced before this Court to prove the said allegations. Therefore he sought for dismissal of the Writ Petition.

4. Heard Mr.C.Prabakaran learned counsel appearing for the petitioner, Mr.Elumalai learned counsel appearing for the first respondent and Mr.S.Karthikeyan learned Additional Public Prosecutor appearing for the Two to four respondents.

5.This petition has been filed for restraining the respondents from falsely implicating the petitioner in the Crime case and also seeking direction to take action against the erring Officials. Admittedly, the petitioner is the accused in Crime No.216 of 2018 for the offences under Sections 147,148,302, 341 of IPC and Section 3, 4(a) of Explosive Substances Act 1908 and also under Section 3(1) of the Taminadu Public Property (Prevention of Damage & Loss) Act, 1992 on the file of the fifth respondent and now the investigation is completed and final report filed and pending for committal in P.R.C.No.5 of 2019 on the file of the Judicial Magistrate,Seerkazhi. Except the representation and affidavit, there is no piece of evidence to show that the petitioner while he was in custody of the fifth respondent, was beaten him and also his legs were broken. Further all the allegations are vague and bald and in respect of his direction against the fifth respondent herein. Further he also stated that the Writ Petition was filed in W.P.No.18711 of 2018 before the Madurai Bench of this Court seeking for remand through video conference on apprehension that there would be fake encounter. Now the petitioner is also released on bail very much and there is absolutely, no occurrence of fake encounter. Further in the Writ Petition prayer itself a mandamus is sought for to take appropriate action against erring Officials without any specific allegations. Therefore, the entire Writ Petition is filed only to escape form clutches of law and clear abuse of process of law, and devoid of merits. Hence, this Writ Petition stands dismissed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vsn

To

1. The Judicial Magistrate,Seerkazhi.

2. The Secretary,
Home Department, Fort St.George
Chennai 600009

3. The Director General of Police
Dr.Radhakrishnan Salai,
Mylapore, Chennai 600004
4. The Deputy Director General of Police,
OCIU Special Wing,
O/o.DGP, Radhakrishnan Road,
Mylapore, Chennai 600004.
5. The Superintendent of Police,
Nagapattinam,
Nagapattinam,
6. The Inspector of Police
Sirkazhi Police Station,
Sirkazhi, Nagapattinam District.
7. The Public Prosecutor,
High Court, Madras.

+1cc to the Government Pleader, S.R.No.25405

Cr1.O.P.No.4014 of 2020

VS (CO)
KKV/25/08/2020



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