

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.09.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.12684 of 2020
and
W.M.P.No.15667 of 2020

Viknesh, (M, 24/20)

S/o.Velu,

Door No.533 A, Kambar Street,

Odaitheru,

Naraiyur Colony and Post,

Villupuram Taluk,

Villupuram District.

... Petitioner

-Vs-

1.The State of Tamilnadu

Represented by

The Principal Secretary,

Home Department,

Fort St.George,

Chennai - 600 009.

2.The Director General of Police,

Office of the Director General of Police,

Mylapore, Chennai - 600 005.

3.The Joint Director of South CBI,

Office of the Joint Director South CBI,

Shastri Bhavan,

Chennai.

4.The Superintendent of Police,

Office of the Superintendent of Police,

Villupuram District.

5.The Inspector of Police,

Valavanur Police Station,

Villupuram.

6.The Inspector of Police,

Taluk Police Station,

Villupuram.

7.The Inspector of Police,

Town Police Station,

Villupuram.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the third respondent to take action on basis of representations submitted by the petitioner dated 18.07.2020 and 10.08.2020 within the stipulated time.

For Petitioner : M/s.R.Alagumani

For Respondents

For R1, R2 &

R4 to R7

: Mr.S.Karthikeyan

Additional Public Prosecutor

ORDER

This petition has been filed for direction directing the 3rd respondent to take an action on the representations dated 18.07.2020 and 10.08.2020.

2.The learned counsel appearing for the petitioner submitted that the petitioner and his father were illegally detained by the 5th respondent police. He further submitted that on 28.05.2020, the police persons from the 5th respondent police station came to the petitioner's house and forcefully taken his father to the 6th respondent police station and illegally detained him. Again at about 11.00 a.m., when the petitioner appeared before the 5th respondent on 28.05.2020 the father of the petitioner was taken to the 7th respondent police station and he was illegally detained till 29.05.2020. Thereafter on 29.05.2020 at about 04.30 p.m., both the petitioner and his father were shifted to the 5th respondent police and they foisted a false case in Crime No.584 of 2020 for the offences punishable under Sections 294(b), 447, 387 and 506(ii) of IPC as against the petitioner, his father and others. The 5th respondent also foisted another false case on the basis of the complaint lodged by one Rangaraj who is working as Sub-Inspector of Police, with the 5th respondent police in Crime No.587 of 2020 for the offences punishable under Sections 189, 294(b), 353, 332, 307 and 506(ii) of IPC. He further submitted that the CCTV footages of the 5th respondent police station would clearly prove that the petitioner's father was illegally detained at the 6th respondent police and also at the 7th respondent police station. He further submitted that the mother of the petitioner has sent a detailed representation to the District Collector and the Superintendent of Police, namely the respondents 2 to 4 herein are requested to preserve the CCTV footage installed in the respondent Nos.5, 6 and 7 police station from 28.05.2020 to 29.05.2020. The petitioner's representation was of no avail. Therefore the petitioner's mother also sent detailed representation dated 24.06.2020 to

the higher officials. Unfortunately on 26.06.2020, the District Collector rejected the representation without even conducting any enquiry. Thereafter, the petitioner's father was detained under Goondas Act 14 of 1982 and imprisoned at Central Prison, Cuddalore. Thereafter, the detention was revoked by the Advisory Committee. It proves that the petitioner and his father were illegally detained by the respondents 5 to 7 herein. Therefore, the petitioner sent a detailed representation to the respondents 1 to 3 for taking appropriate action as against the respondents 5 to 7 herein.

3.Per Contra, the learned Additional Public Prosecutor submitted that on the complaint lodged by one Hariharan, the 5th respondent registered the FIR in Crime No.584 of 2020 for the offences under Sections 294(b), 447, 387 and 506(ii) of IPC as against the petitioner and his father and two others. In pursuant to the said crime, the petitioner and his father were arrested. In the meanwhile, on the complaint lodged by Rangaraj, the Sub-Inspector of Police, another FIR has been registered in Crime No.587 of 2020 for the offences under Sections 189, 294(b), 353, 332, 307 and 506(ii) of IPC. He further submitted that the petitioner and his father were arrested in pursuant to the Crime No.584 of 2020. They attacked the police officials in the police station. They also attacked one Jayakumar, the head constable No.725. They also attacked other police officials and as such the another crime has been registered as against the petitioner and his father. Only to escape from the clutches of law, now the present writ petition has been filed to take action as against the police officials for having registered the case as against the petitioner and his father. In fact, the District Collector has rightly rejected the representation of the petitioner herein, as against which the petitioner did not prefer any appeal or filed any writ petition before this Court. Therefore, he sought for dismissal of the writ petition. He further submitted that as against the petitioner, there are totally four cases pending including the present two cases and as against his father including these cases totally three cases are pending for investigation on the file of the 5th respondent police station.

4.Heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondents 1, 2 and 4 to 7.

5.The petitioner was arrested and remanded to judicial custody on 28.05.2020 on the complaint in Crime No.584 of 2020 on the complaint lodged by one Hariharan for the offences punishable under Sections 294(b), 447, 387 and 506(ii) of IPC in which the petitioner is arrayed as 2nd accused and his father is also arrayed as 1st accused. When the petitioner and his father were in police station, they also attacked the police officials of the 5th respondent police station. Therefore, on the complaint lodged by the Inspector of Police,

Mr.Rangaraj, another FIR has been registered as against the petitioner and his father in Crime No.587 of 2020 for the offences punishable under Sections 189, 294(b), 353, 332, 307 and 506(ii) of IPC. Thereafter they were remanded to judicial custody. In fact, the petitioner's father was also detained under Goondas Act 14 of 1982. Though, his detention order was revoked by the Advisory Committee, the petitioner's father is facing twenty three cases on the file of the 5th respondent and the petitioner is facing four cases on the file of the 5th respondent. All the cases are now pending investigation. While being so, the petitioner's wife as well as the petitioner's mother sent so many representations to higher officials with regard to their illegal detention in 6th and 7th respondent police station by the 5th respondent. One of the representation filed by the petitioner's family members requesting to preserve the CCTV footages was also rejected by the District Collector. Now, the petitioner filed this writ petition for a direction directing the 3rd respondent to take appropriate action as against the respondents 5 to 7 police officials and the cases are pending as against petitioner from their file as against the petitioner as well as his father. Therefore, the present writ petition has been filed to escape from the clutches of law. There is absolutely no iota of illegal detention by the respondents 5 to 7 herein except the representation sent to the higher officials with a complaint to Human Rights Commission. Therefore, the writ petition is devoid of merits and the same is dismissed by this Court. No Costs. Consequently, connected Criminal Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CO)

//True copy//

सत्यमेव जयते
Sub Assistant Registrar

gbi

To

- 1.The Principal Secretary,
Government of Tamilnadu,
Home Department,
Fort St.George,
Chennai - 600 009.
- 2.The Director General of Police,
Office of the Director General of Police,
Mylapore, Chennai - 600 005.

3.The Joint Director of South CBI,
Office of the Joint Director South CBI,
Shastri Bhavan,
Chennai.

4.The Superintendent of Police,
Office of the Superintendent of Police,
Villupuram District.

5.The Inspector of Police,
Valavanur Police Station,
Villupuram.

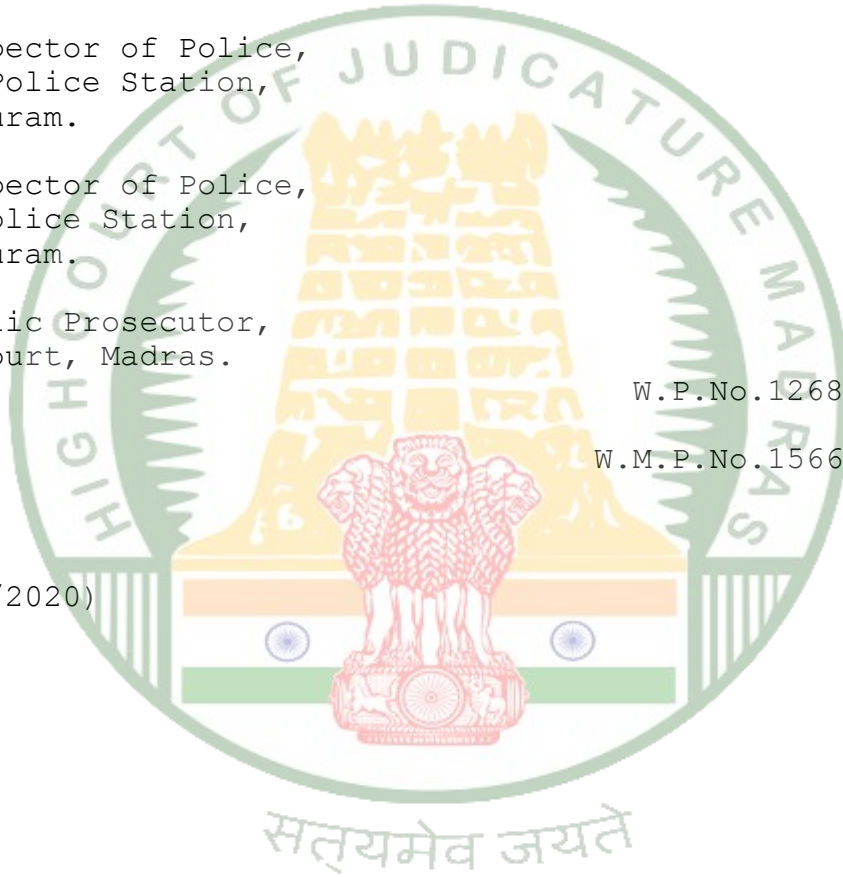
6.The Inspector of Police,
Taluk Police Station,
Villupuram.

7.The Inspector of Police,
Town Police Station,
Villupuram.

8.The Public Prosecutor,
High Court, Madras.

W.P.No.12684 of 2020
and
W.M.P.No.15667 of 2020

MP (CO)
GMY (22/10/2020)



WEB COPY