

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.11.2020

CORAM:

THE HON'BLE MR.JUSTICE T.RAVINDRAN

W.P.No.16198 of 2020
and
W.M.P.No.20224 of 2020

P.Inbamani
W/o, Palani,
No.26, Sivasankaran Street,
Erukancheri,
Chennai - 600 118.Petitioner

-Vs-

1. The State of Tamil Nadu,
Represented by its
Secretary to Government,
Department of Home,
St.George Fort,
Chennai - 9.
2. The District Collector,
Tiruvallur District.
3. The Director General of Police,
Rajaji Salai, Chennai.
4. The Additional Director General of Police,
Human Rights and Social Justice CID,
Anna Nagar West,
Chennai.
5. The Superintendent of Police,
Tiruvallur District,
Tiruvallur.
6. The Inspector of Police,
Thirupalaivanam Police Station,
Ponneri Taluk,
Tiruvallur District.

7. The Inspector of Police,
Vengal Police Station,
Thiruvallur District.

8. Marimuthu,
The Sub Inspector of Police,
E-3, Minjur Police Station,
Thiruvallur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Human Rights and Social Justice C.I.D which is under the control of the 4th respondent to investigate the matter, on the basis of the petitioner's complaint dated 13.10.2020 and prosecute the 6th to 8th respondents and two other policemen who illegally detained and brutally attacked the petitioner's son namely Manimaran and daughter-in-law namely Mrs.Thulasi and also directing the respondents to pay compensation of Rs.10,00,000/- to the aforesaid petitioner's son and daughter-in-law for the atrocities committed by its employees against the aforesaid petitioner's son and daughter-in-law and also directing the 1st to 5th respondents to take departmental action against the 6th to 8th respondents and other two policemen attached with the 6th respondent police station.

For Petitioner : Mr.D.Gopinathan

For Respondents: Ms.M.Prabhavathi
Additional Public Prosecutor

O R D E R

The Writ Petition has been filed by the petitioner seeking a Writ of Mandamus, directing the Human Rights and Social Justice C.I.D which is under the control of the 4th respondent to investigate the matter, on the basis of the petitioner's complaint dated 13.10.2020 and prosecute the 6th to 8th respondents and two other policemen who illegally detained and brutally attacked the petitioner's son namely Manimaran and daughter-in-law namely Mrs. Thulasi and also directing the respondents to pay compensation of Rs.10,00,000/- to the aforesaid petitioner's son and daughter-in-law for the atrocities committed by its employees against the aforesaid petitioner's son and daughter-in-law and also directing the 1st to 5th respondents to take departmental action against the 6th to 8th respondent police.

2. It is the case of the petitioner that the R6 to R8 and two other police men had illegally detained and brutally attacked his son namely Manimaran and daughter-in-law namely Mrs. Thulasi and therefore with reference to the same, he had laid the complaint dated 13.10.2020 and accordingly prayed for directing the fourth respondent namely The Additional Director General of Police, Human Rights and Social Justice CID, Anna Nagar West, Chennai to investigate the matter and consequently sought for other reliefs namely for compensation and for conducting departmental action against R6 to R8 and other two policemen.

3. At the time of hearing in the matter, the petitioner's counsel is unable to substantiate as to the status of the complaint said to have been laid by him on 13.10.2020 with reference to the alleged occurrence putforth by him. According to the petitioner, he has laid a complaint dated 13.10.2020. Only after the registration of the complaint putforth by him, the investigation could be taken up by the concerned respondent police in accordance with law and proceed further in the matter. When he has not putforth any plea as to whether the alleged complaint preferred by him had been registered by the respondent police in accordance with law, the claim of the petitioner that the investigation should be conducted by the fourth respondent with reference to the alleged occurrence as such cannot be sustained. At the first instance, the remedy of the petitioner is only to seek for a direction to the concerned police to register his complaint in accordance with law and only after the registration of the complaint preferred by him, the investigation if any could be conducted in the matter. On a perusal of the complaint preferred by the petitioner dated 13.10.2020, it seems that he has preferred a complaint only to the Chairman, Tamilnadu States Human Rights Commission, Chennai and forwarded the copy to Hon'ble Chief Justice, Madras High Court, The Director General of Police, Chennai, Home Secretary, Tamilnadu, District Superintendent of Police, Tiruvallur and The District Collector, Tiruvallur. It is thus obvious that the petitioner has not preferred the complaint before the concerned authority for seeking the registration of the case. In such view of the matter, it is seen that the petitioner has not lodged the complaint before the proper forum and also accordingly unable to substantiate whether the complaint preferred by him had been registered by the appropriate authority. In the event of the appropriate police authority not registering the complaint lodged by him, the petitioner is only to adhere to the guidelines stipulated by the Hon'ble Division Bench in the case reported in 2018 (2) Law Weekly (Criminal) 489 [G.Prabakaran Vs. The Superintendent of Police, Thanjavur and

another] Without exhausting the abovesaid remedies available to the petitioner under law, the petitioner is found to have rushed to this Court invoking the writ jurisdiction by seeking the investigation of the case by the fourth respondent namely The Additional Director General of Police, Human Rights and Social Justice CID, Anna Nagar West, Chennai. When no case had been registered by the concerned police authority in accordance with law, there is no question of directing the fourth respondent to conduct the investigation in the matter. The remedy sought for by the petitioner appears to be misconceived and the petitioner is to approach the appropriate police authority for the registration of his complaint and the consequent investigation of the same in accordance with law.

4. For the reasons aforestated, this Court is not inclined to entertain the Writ Petition preferred by the petitioner. Resultantly, the Writ Petition is dismissed. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS II)

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Sub Assistant Registrar

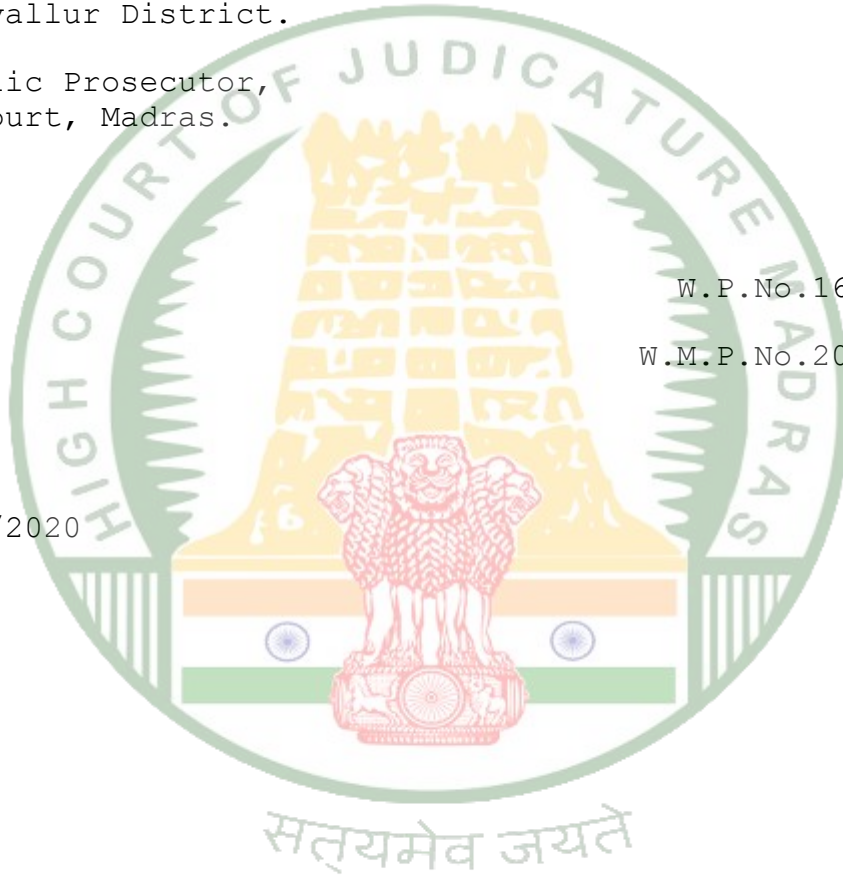
To

1. The Secretary to Government,
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8. The Public Prosecutor,
High Court, Madras.

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srg 14/12/2020



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