

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Writ Petition No.29438 of 2019
and W.M.P.No.29280 of 2019

R.Mohan
S/o N.Ramamoorthy
No.2/276, Nadu Street
Thiruvazhinallur Village
Mamandur Post
Arani Taluk
Thiruvannamalai District. Petitioner

Vs.

1.The Secretary to Government
Home Department
St.George Fort, Chennai - 600 009.
2.The Director General of Police
Dr.Radhakrishnan Salai
Mylapore, Chennai - 600 004.
3.The Deputy Inspector General of Police
DIG Office, Tollgate, Vellore.
4.The Superintendent of Police
Superintendent of Police Office
Vengikkal, Thiruvannamalai.
5.Tmt.Mangayarkarasi
Inspector of Police
Prohibition Enforcement Wing
Chengam, Thiruvannamalai District. Respondents

PRAYER: This Writ Petition filed under Article 226 of the Constitution of India for a Writ of Mandamus directing the 1st, 2nd and 3rd respondents to take departmental action against the 5th respondent and to remove her from service based on the petitioner's representation dated 26.06.2019 with regard to misuse of the power of the 5th respondent.

For Petitioner : No Appearance

For Respondents: Mr.K.Prabakar
Additional Public Prosecutor for RR1- 4

For R5 : No appearance

ORDER

The Writ Petition has been filed to direct the 1st, 2nd and 3rd respondents to take departmental action against the 5th respondent and to remove her from service based on the petitioner's representation dated 26.06.2019 with regard to misuse the power of the 5th respondent.

2.The learned Additional Public Prosecutor would submit that a complaint was lodged by the wife of the petitioner herein, before the 4th respondent on 03.08.2015 and the same was registered for the offence under Sections 498A, 406, 506(i) and also Section 4 of the DP Act. Thereafter, the 5th respondent completed the investigation and filed final report and the same has been taken cognizance for the offence under Sections 498A, 406, 506(i) and also Section 4 of the DP Act, on the file of the learned Judicial Magistrate, Arani. After completing the trial, the trial Court by Judgment dated 27.03.2019, convicted the petitioner for the offences as mentioned above. Suppressing all those facts, the petitioner filed a Writ Petition for direction, directing the respondents 1 to 3 herein to take action against the 5th respondent for recording false statement under Section 161 Cr.P.C.,.

3.Though the petitioner represented through the counsels, no one represented the petitioner in this Writ Petition today.

4.The petitioner was charged for the offences under Sections 498A, 406, 506(i) and also Section 4 of the DP Act in Crime No.11 of 2015 on the complaint lodged by his wife one Amala. Thereafter, the 5th respondent completed investigation and filed charge sheet and the same has been taken cognizance in C.C.NO.149 of 2015 on the file of the learned Judicial Magistrate, Arani. After trial the petitioner was convicted by Judgment dated 27.03.2019. Even after conviction, this Writ Petition has been filed on 04.10.2019, by suppressing the above facts. Now he is seeking for compensation of Rs.5 lakhs from the 5th respondent and also seeking direction directing the respondents 1 to 3 to take departmental action as against the 5th respondent, for recording false statement under Section 161 Cr.P.C.,. Therefore, the Writ Petition filed with false affidavit and also with suppression of materials and it has to be dismissed with exemplary cost. Accordingly, the Writ Petition is dismissed with cost of Rs.10,000/- payable by the petitioner, in favour of the Chief Justice Relief Fund, Madras High Court, Chennai, within a period of 4 weeks from the date of receipt of a copy of this order. Consequently connected miscellaneous petition is closed.

5.Registry is directed to post the matter before this Court after six weeks, for reporting compliance.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Judicial Magistrate,
Arni.
- 2.The Secretary to Government
Home Department
St.George Fort, Chennai - 600 009.
- 3.The Director General of Police
Dr.Radhakrishnan Salai
Mylapore, Chennai - 600 004.
- 4.The Deputy Inspector General of Police
DIG Office, Tollgate, Vellore.
- 5.The Superintendent of Police
Superintendent of Police Office
Vengikkal, Thiruvannamalai.

Copy to

The Section Officer,
Writ Section (Posting)
High Court, Madras.

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vsn II[co]
srg 17/08/2020