



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 18.03.2020

CORAM:

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THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

**Crl.O.P(MD)No.21643 of 2015
Crl.O.P(MD) .Nos.10989 and 14908 of 2016
and W.P(MD) .No.20356 of 2015
W.P(MD) .No.1569 of 2016
and M.P(MD) .Nos.1 and 1 of 2015
Crl.M.P(MD) .Nos.5394 and 5395 of 2016
W.M.P(MD) .No.1331 of 2016**

Crl.O.P(MD) .No.21643 of 2015

M.Anbuchelvan : Petitioner/Sole Accused

Vs.

1.The State of Tamil Nadu
rep., by the Inspector of Police,
Kannivadi Police Station,
Kannivadi, Dindigul District.
(Crime No.364/2015) : 1st Respondent/Complainant

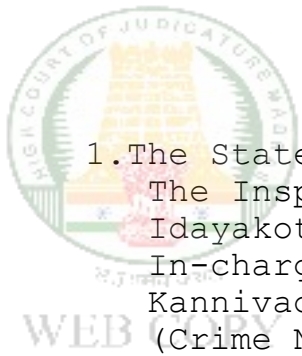
2.G.Thiruvanantham
Inspector of Police,
Kannivadi Police Station,
Kannivadi, Dindigul District. : 2nd Respondent/Defacto
complainant

PRAYER : Petition filed under Section 482 of Criminal Procedure, to call for the entire records relating to the impugned FIR registered in Crime No.364 of 2015 dated 09.10.2015 on the file of the first respondent herein and to quash the same.

For Petitioner : Mr.T.C.S.Raja Chockalingam
for Mr.A.Saravanan
For Respondents : Mr.S.Chandrasekar
Additional Public Prosecutor (for R1)
Mr.M.Ajmal Khan
Senior Counsel for
Mr.T.Antony Arulraj(for R2)

Crl.O.P(MD) .No.10989 of 2016

M.Anbuchelvan : Petitioner/Sole Accused



Vs.

1.The State rep., by its
The Inspector of Police,
Idayakottai Circle,
In-charge of Kannivadi Police Station,
Kannivadi, Dindigul District.
(Crime NO.364 of 2015)

: 1st Respondent/Complainant

2.G.Thiruvanantham
Inspector of Police,
Kannivadi Police Station,
Kannivadi, Dindigul District.

: 2nd Respondent/Defacto
complainant

PRAYER : Petition filed under Section 482 of Criminal Procedure, to call for the entire records relating to the impugned charge sheet laid in PRC.No.5 of 2016 on the file of the learned Judicial Magistrate NO.II, Dindigul and to quash the same.

For Petitioner : Mr.T.C.S.Raja Chockalingam
for Mr.A.Saravanan

For Respondents : Mr.S.Chandrasekar
Additional Public Prosecutor (for R1)
Mr.M.Ajmal Khan
Senior Counsel for
Mr.T.Antony Arulraj (for R2)

Crl.O.P(MD).No.14908 of 2016

M.Anbuchelvan

: Petitioner

Vs.

1.The State of Tamil Nadu,
rep., by its Home Secretary,
Fort St.George, Chennai-9

2.The Director General of Police,
Police Head Quarters
Beach Road, Mylapore, Chennai 600 004.

3.The Additional Director General of Police,
CBCID Police Head Quarters,
Chennai.

4.The Inspector General of Police,
South Zone, Race Course, Madurai.

5.The Deputy Inspector General of Police,
Seelapadi, Trichy Main Road,
Dindigul, Dindigul District.

6.The Superintendent of Police,
Dindigul, Dindigul District.



7.The Inspector of Police,
CBCID Wing,
Dindigul Town, Dindigul District.

: Respondents

PRAYER : Petition filed under Section 482 of Criminal Procedure, to direct the sixth respondent to register appropriate FIR based on the petitioner's complaint dated 09.02.2016 and investigate the same in accordance with law.

For Petitioner	: Mr.T.C.S.Raja Chockalingam for Mr.A.Saravanan
For Respondents	: Mr.S.Chandrasekar Additional Public Prosecutor (for R1 to R7)

W.P(MD).No.20356 of 2015

M.Anbuchelvan	: Petitioner
Vs.	

- 1.The State of Tamil Nadu
rep., by its Chief Secretary,
Fort St.George, Chennai -9.
- 2.The State of Tamil Nadu,
Rep., by its Home Secretary,
Fort St. George, Chennai-9
- 3.The Director General of Police,
Police Head Quarters
Beach Road, Mylapore,
Chennai 600 004.
- 4.The Additional Director General of Police,
Human Rights and Social, Justice CID,
Mylapore, Chennai.
- 5.The Inspector General of Police,
Race Course, Madurai.
- 6.The Deputy Inspector General of Police,
Dindigul, Dindigul District.
- 7.The Superintendent of Police,
Dindigul, Dindigul District.
- 8.The Deputy Superintendent of Police,
Ottanchathiram Sub Division,
Ottanchathiram, Dindigul District.



9.The Inspector of Police,
Kannivadi Police Station,
Dindigul District.

10.G.Thiruvanantham,
Inspector of Police,
Kannivadi Police Station,
Kannivadi, Dindigul District.

11.Rajamarthandam
Special Sub Inspector of Police,
Kannivadi Police Station,
Kannivadi, Dindigul District.

12.Kamaldhas
Head Constable
Kannivadi Police Station,
Kannivadi, Dindigul District.

: Respondents

PRAYER : Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the fourth respondent to investigate the complaint of the petitioner's wife dated 15.10.2015 along with the petitioner's further additional complaint dated 07.11.2015 and to prosecute the respondents 10 to 12 who have illegally detained, and brutally attacked the petitioner torture and fabricating a false case registered against the petitioner and further directing the respondents 1 to 6 herein to initiate appropriate departmental action against the respondents 10 to 12 and further directing the respondents to pay compensation to the petitioner for a sum of Rs.25,00,000/- and to recover the same from the respondents 10 to 12.

For Petitioner : Mr.T.C.S.Raja Chockalingam
for Mr.A.Saravanan

For Respondents : Mr.S.Chandrasekar
Additional Public Prosecutor
(for R1 to R9 and R11 & R12)
Mr.M.Ajmal Khan
Senior Counsel for
Mr.T.Antony Arulraj(for R10)

W.P(MD) .No.1569 of 2016

M.Anbuchelvan

: Petitioner

Vs.

1.The State of Tamil Nadu
rep., by its Chief Secretary,
Fort St.George, Chennai -9.



2.The State of Tamil Nadu,
Rep., by its Home Secretary,
Fort St. George, Chennai-9

3.The Director General of Police,
Police Head Quarters
Beach Road, Mylapore,
Chennai 600 004.

4.The Inspector General of Police,
South Zone, Race Course, Madurai.

5.The Deputy Inspector General of Police,
Dindigul, Dindigul District.

6.The Superintendent of Police,
Dindigul, Dindigul District.

7.The Deputy Superintendent of Police,
Ottanchathiram Sub Division,
Ottanchathiram, Dindigul District.

8.T.Selvam,
Deputy Superintendent of Police,
Ottanchathiram Sub Division,
Ottanchathiram,
Dindigul District.

9.The Inspector of Police,
Kannivadi Police Station,
Kannivadi, Dindigul District.

10.G.Thiruvanandam,
Inspector of Police,
Kannivadi Police Station,
Kannivadi, Dindigul District.

11.Rajamarthandam
Special Sub Inspector of Police,
Kannivadi Police Station,
Kannivadi, Dindigul District.

12.Kamaldhas
Head Constable
Kannivadi Police Station,
Kannivadi, Dindigul District

13.The Principal District and Sessions Judge,
Dindigul District, Dindigul.

14.The Chief Judicial Magistrate,
Dindigul District, Dindigul.



PRAYER : Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the entire records relating to the impugned enquiry report dated 24.11.2015 issued by the seventh respondent herein and same was served to the counsel of the petitioner on 18.01.2016 when the Crl.O.P(MD).No.677 of 2016 disposed off by this Court and to quash the said report and consequently direct the respondents 13 to 14 herein to enquire into the entire episode of illegal detention, brutal attacks, torture inhuman treatment undergone by the petitioner in the hands of respondents 7 to 12 herein and fabricating a false case registered against the petitioner and to submit a detailed report thereon to this Court for taking appropriate further action by fixing the liability of the erring officials namely respondents 7 to 12.

For Petitioner : Mr.T.C.S.Raja Chockalingam
for Mr.R.Boopathy
For Respondents : Mr.S.Chandrasekar
Additional Public Prosecutor
(for R1 to R9 and R11 & R12)
Mr.M.Ajmal Khan
Senior Counsel for
Mr.T.Antony Arulraj(for R10)

COMMON ORDER

The petitioner herein is running a Hollow Block Unit at Alathuranpatti village, Kannivadi Post, Dindigul District. On 10.06.2014 one Muthulakshmi, D/o.Sermalai was missing. There was a complaint by her aunt namely Muthammal to the Kannivadi Police Station, Dindigul District. Based on the complainant, FIR was registered in Crime No.109 of 2014 for girl missing. After some time, the father of the girl filed HCP before the High Court of Madras, Madurai Bench, since his daughter could not be traced. Pending HCP(MD).No.1236 of 2014, this Court ordered transfer of investigation from the then investigation officer Inspector of Police to any other officer, not below the rank of Deputy Superintendent of Police.

2.During the course of the investigation, it appears that there was some information to the Police that somebody from Uttrapredesh has called the father of the missing girl and possibility of the girl being at Uttrapredesh. The Police met the petitioner herein, under whom the suspect Ragul from Uttrapredesh, was working and asked to give information about Ragul. At that time, the suspected person left the job and gone to his native and the same was informed to the Police by the petitioner.

3.At this juncture, the real issue for consideration has taken place. Particularly, on 09.10.2015, Mr.Thiruvanandam Inspector of



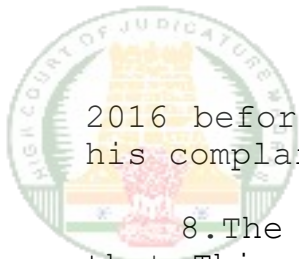
Police, Kannivadi Police Station, Rajamarthandam, Special Sub-Inspector and Kamadhas, Head Constable, had come to the petitioner's Hallow Block Unit-cum-residence for enquiry. The petitioner alleged to have been attacked and taken to the police station. A case was registered in Crime No.364 of 2015 against the petitioner for offence under Sections 294(b), 341, 332, 353 and 506(ii) of IPC. On 10.10.2015 the petitioner was produced before the Judicial Magistrate No.II, Dindigul, and remanded custody. At that time, the petitioner had shown the injured sustained to the Magistrate and the same has been recorded in the remand report. Later 12.10.2015, charge against the petitioner was altered into Sections 294(b), 341, 324, 332, 353, 506(ii) and 307 IPC. The petitioner was granted bail on 26.10.2015.

4.As far as the missing girl, she was traced after two years by CBCID, Chennai from Home by name 'Saranalayam' at Kneethukadavu, Coimbatore District. She was produced before the Hon'ble Division Bench of Principal Bench and the girl has informed the Court that she has left the home on her own. She also informed that she live comfortable at 'Saranalayam' and she like to go only to Saranalayam and not to her parents. Thus, HCP has come to end.

5.The criminal case, registered against the petitioner, in which, he was remanded in jail, for 17 days, has become a bone of contention particularly between the petitioner and the Inspector of Police/Thiruvananthapuram. The petitioner has filed Crl.O.P(MD).No.21643 of 2015 to quash the FIR in Crime No.364 of 2015 on a specific ground that after transfer of investigation to the Officer not below the rank of Deputy Superintendent of Police as per the direction of this Court, Inspector of Police/Thiruvananthapuram, has no *locus-standi* to investigate the matter. However, due to enmity and *malafide* intention, on 09.10.2015, he went to the residence-cum-business, premises of the petitioner at 08.00 pm, attacked him and took him to the police station and foisted a case against the petitioner and remanded to judicial custody. Hence, he sought for quashing the FIR in Crime No.364 of 2015 on the file of the Inspector of Police, Kannivadi Police Station.

6.Later, the Police has completed the investigation and filed the final report against the petitioner herein and the same was laid before the Judicial Magistrate No. II, Dindigul and taken on file as PRC No.5 of 2016.

7.The second petition in Crl.O.P.(MD).No.10989 of 2016 was filed by the petitioner with the similar averment and allegation against the investigation agency. The petitioner, besides these two criminal original petitions, which emanates from Crime No.364 of 2015, for the occurrence on 09.10.2015, alleging that he assaulted the Police team while enquiring about the girl missing case, he has also filed another original petition in Crl.O.P(MD).No.14908 of



2016 before this Court for direction to register the case based on his complaint dated 09.02.2016.

8.The sum and substance of the complaint dated 09.02.2016 is that Thiruvanantham working as Inspector of Police, Kannivadi Police Station, Rajamarthandam working as Special Sub Inspector of Police, Kannivadi Police Station, Kamaldhas working as Head Constable, Kannivadi Police Station and Selvam working as Deputy Superintendent of Police, Ottanchatram joined together and are involved in an atrocities, filing a false FIR by dereliction of duty, making false evidence for the Court of law. The Inspector of Police demanded a sum of Rs.2,00,000/- and the Head Constable Kamaldhas demanded a sum of Rs.5,000/-. He has alleged that they submitted lopsided and biased report supporting the delinquency. The petitioner, apart from filing these three criminal original petitions under Section 482 of Cr.P.C, also had resorted to under Article 226 of Constitution of India by filing W.P(MD).No.20356 and 1569 of 2015 with the following reliefs:

'prayer in W.P(MD).No.20356 of 2015:

to direct the fourth respondent to investigate the complaint of the petitioner's wife dated 15.10.2015 along with the petitioner's further additional complaint dated 07.11.2015 and to prosecute the respondents 10 to 12 who have illegally detained, and brutally attacked the petitioner torture and fabricating a false case registered against the petitioner and further directing the respondents 1 to 6 herein to initiate appropriate departmental action against the respondents 10 to 12 and further directing the respondents to pay compensation to the petitioner for a sum of Rs.25,00,000/- and to recover the same from the respondents 10 to 12.

prayer in W.P(MD).No.1569 of 2016:

to call for the entire records relating to the impugned enquiry report dated 24.11.2015 issued by the seventh respondent herein and same was served to the counsel of the petitioner on 18.01.2016 when the Crl.O.P(MD).No.677 of 2016 disposed off by this Court and to quash the said report and consequently direct the respondents 13 to 14 herein to enquire into the entire episode of illegal detention, brutal attacks, torture inhuman treatment undergone by the petitioner in the hands of respondents 7 to 12 herein and fabricating a false case registered against the petitioner and to submit a detailed report thereon to this Court for taking appropriate further action by fixing the liability of the erring officials namely respondents 7 to 12.'



9.The actual grievance of the petitioner is that in a girl missing case, the Police attached to Kannivadi Police Station has misdirected themselves suspecting the petitioner role in the girl missing case, has assaulted him, demanded money from him and on refusal, foisted a false case and remanded to Judicial custody, illegally. Therefore, he has filed multiple petitions besides challenging the criminal prosecution lodged against him in Crime No.364 of 2015 on the file of the Kannivadi Police Station.

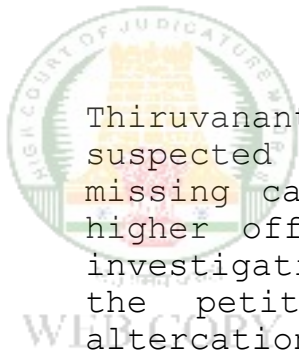
10.All these three criminal original petitions and two writ petitions when taken up for final disposal, the learned counsel for the Inspector of Police namely Thiruvanandam would submit that the Inspector of Police/Thiruvanandam has never exceeded his power or authority. Though the investigation was transferred to the Deputy Superintendent of Police, the Deputy Superintendent of Police constituted a team to trace the girl, in which, Thiruvanandam was one of the Member, in the said capacity, he was in the investigation team. Based on the information that one of the employee of the petitioner, who hail from Uttrapradesh, has contacted the defacto complainant/the father of the missing girl over phone, for investigation and enquiry, he called upon the petitioner to the police Station. The petitioner failed to turn up to the station. Hence, they went to the petitioner's residence on 09.10.2015. The petitioner resisted to come with the Police and attacked them. Hence, the case was registered against the petitioner in Crime No.364 of 2015.

11.This fact is denied by the learned counsel for the petitioner and alleges that these are all fabricated, concocted and imagination of the Police and there is no explanation for the injury found on the body of the petitioner, which is part of the record in the remand report and jail Register.

12.The learned counsel appearing for Thiruvanandam would also submit that the petitioner not only filed these three original petitions under Section 482 of Cr.P.C and two writ petitions under Article 226 of Constitution of India but has filed totally 43 cases before different forum targeting Thiruvanandam and pending before the various forum. As of now, out of 43 cases, 9-10 cases are pending.

13.The learned counsel appearing for the petitioner/Mr.Anbuselvan submitted that his client tired of all during the litigations and it is suffice to quash the case against him registered in Crime No.364 of 2015. which has now culminated into PRC.No.5 of 2016 on the file of the Judicial Magistrate No.II, Dindigul and he is ready to withdraw all the other pending cases before various forum.

14.The learned Additional Public Prosecutor appearing for the State would submit that it was an error of judgment on the part of



Thiruvanantham Inspector of Police, who, due to over jealousy suspected the role of the petitioner herein regarding the girl missing case and due to pendency of the HCP and the pressure of higher official to whom, this Court had directed to conduct the investigation, he went to the premises of the petitioner. Since the petitioner failed to co-operate with the investigation, altercation took place and ended in complaint against the petitioner in Crime No.364/2015.

15.Though there is no embellishment in the complaint, but in order to give quietus to the entire issue, the prosecution is also not inclined to proceed further. Since the petitioner who claims good respect in the locality, it may be difficult for the prosecution to continue the case and get conviction and in the public interest if the Court decides to quash the matter, State has no objection.

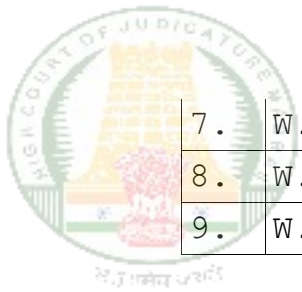
16.The petitioner herein has filed an affidavit today which reads as follows:

.....

2.I respectfully submit that the following list of cases pending before various Courts and I under take to withdraw the same which are as follows:

List of Cases Pending

S.N o	Case No.	Subject matter	Stage
1.	W.P (MD) . No.20356/2015	Writ petition compensation sum of Rs.25,00,000 and to recovered the same from the respondent 10-12 and take Departmental action	Pending
2.	W.P (MD) . No.1569/2016	Appropriate action against the erring officials respondents 7 to 12 pending for fixing the liability	Pending
3.	Crl.O.P.No.14908 /2016	To register the complaint	Pending
4.	W.P (MD) . No.17830/2016	Taking action against the respondent for non furnishing RTI reply	Pending
5.	W.P.No.9011/2017	Regarding suspension	Pending
6.	C.C.No.622/2016	Private complaint filed before the Judicial Magistrate Court NO.II, Dindigul	Pending



7.	W.P.No.902/2019	Departmental proceedings	Pending
8.	W.P.No.903/2019	Departmental proceedings	Pending
9.	W.A.No.282/2019	Departmental proceedings	pending

I respectfully submit that in view of the above Crl.O.P (MD).No.10989 of 2016 may be allowed and the charge sheet culminated from the FIR registered against me based on the complaint given by the 10th respondent in Crime No.365 of 2015, dated 09.10.2015 on the file of the Kannivadi Police Station, Dindigul District.

I respectfully submit that I also undertake to withdraw the complaint given by me before the Vigilance and Anti Corruption Depart, Dindigul registered in Crime NO.2 of 2017, dated 28.03.2017.

.....'

17.On going through the records and the history of the litigation, multiple cases and proceedings pending at various forum for the past five years, the all can be given quietus, relying upon the affidavit filed by the petitioner herein. Hence, this Court, invoked its inherent power under Section 482 of Cr.P.C.

18.The impugned charge sheet in PRC.No.5 of 2016 on the file of the learned Judicial Magistrate NO.II, Dindigul stands quashed. Accordingly, Crl.O.P(MD).NO.10986 of 2016 is allowed. since Crl.O.P (MD).No.10986 is allowed, nothing survives in Crl.O.P(MD).No.21643 of 2015. Hence, the same is dismissed as infructuous.

19.Crl.O.P(MD).No.14908 of 2016, W.P(MD).No.20356 of 2015 and W.P(MD).No.1569 of 2016 are dismissed as withdrawn pursuant to the affidavit filed by the petitioner. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-II)

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Sub Assistant Registrar(CS)

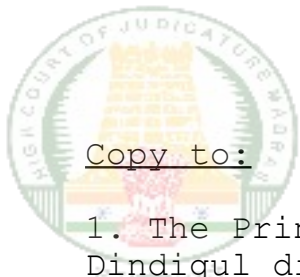
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To

1. The Chief Secretary,
State of Tamil Nadu
Fort St.George, Chennai -9



2. The Home Secretary,
State of Tamil Nadu,
Fort St.George, Chennai-9
- 3.The Director General of Police,
Police Head Quarters
Beach Road, Mylapore, Chennai 600 004.
- 4.The Additional Director General of Police,
CBCID Police Head Quarters,
Chennai.
- 5.The Inspector General of Police,
South Zone, Race Course, Madurai.
- 6.The Deputy Inspector General of Police,
Seelapadi, Trichy Main Road,
Dindigul, Dindigul District.
- 7.The Superintendent of Police,
Dindigul, Dindigul District.
8. The Deputy Superintendent of Police,
Ottanchathiram Sub Division,
Ottanchathiram, Dindigul District.
- 9.The Inspector of Police,
CBCID Wing,
Dindigul Town, Dindigul District.
- 10.The Inspector of Police,
Kannivadi Police Station,
Kannivadi, Dindigul District.
11. The Inspector of Police,
Idayakottai Circle,
In-charge of Kannivadi Police Station,
Kannivadi, Dindigul District.
12. The Special Sub Inspector of Police,
Kannivadi Police Station,
Kannivadi, Dindigul District.
13. The Head Constable
Kannivadi Police Station,
Kannivadi, Dindigul District.
- 14.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



Copy to:

1. The Principal District and Sessions Judge,
Dindigul district, dindigul

2. The Chief Judicial Magistrate,
Dindigul District, Dindigul

+1.CC. To Mr.T.Antony Arulraj, Advocate in SR No.12393

+6.CC. To Mr.T.C.S.Raja Chockalingam, Advocate in SR No.12598,12342

Crl.O.P(MD)No.21643 of 2015
Crl.O.P(MD).Nos.10989 and 14908 of 2016
and W.P(MD).No.20356 of 2015
18.03.2020

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