



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 27.11.2020

CORAM:

The Hon'ble Mr. Justice **G.K.ILANTHIRAIYAN**

W.P. (MD)No.13951 of 2016

J.Sahaya Kala Thangarani

...Petitioner

Vs.

1.The Superintendent of Police,
Kanyakumari District at Nagercoil.

2.The Deputy Superintendent of Police,
Kanyakumari District at Nagercoil.

3.The Inspector of Police,
Vadasery Police Station,
Nagercoil,
Kanyakumari District.

4.The Inspector of Police,
Nesamoni Nagar Police Station,
Nagercoil,
Kanyakumari District.

5.Gunasekaran

6.Ramesh

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 to 4 to initiate criminal action against the respondents 5 and 6 and accord compensation of Rs.2,00,000/- for illegally detaining petitioner's son Subin, aged about 28 years from 24.02.2016 to 26.02.2016, breaking his left leg and foisting a criminal case.

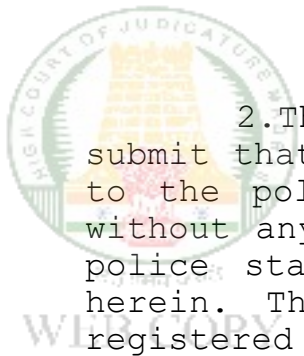
For Petitioner :Mr.C.K.M.Appaji

For R1 to R4 :Ms.Anantha Devi

Government Advocate (Crl.side)

O R D E R

This writ petition has been filed to direct the respondents 1 to 4 to initiate criminal action against the respondents 5 and 6 and accord compensation of Rs.2,00,000/- for illegally detaining petitioner's son Subin, aged about 28 years from 24.02.2016 to 26.02.2016 and for breaking his left leg and foisting a criminal case.



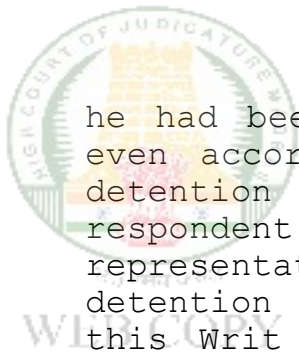
2.The learned counsel appearing for the petitioner would submit that the petitioner's son aged about 22 years had been taken to the police station by the 5th respondent herein on 24.02.2016 without any reason. When the petitioner went to the 5th respondent police station and he was pushed by the 5th and 6th respondents herein. Thereafter, only on 26.02.2016 the false case has been registered as against the petitioner's son in Crime No.116 of 2016 and he was remanded to judicial custody. In fact, her son sustained grievous injury and as such the injury was noticed by the learned Magistrate and directed to admit her son for treatment in Government Medical Hospital. Therefore, he was taken for treatment and thereafter he remanded to judicial custody. In this regard, the petitioner sent a representation to the higher officials on 18.03.2016 and the respondents 1 to 4 did not take any action on the complaint lodged by the petitioner herein.

3.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that the petitioner's son is a habitual offender and he so far involved in eight cases and also detained as Goondas and subsequently his detention order was set-aside. The petitioner's son is the habitual offender and only escape from the clutches of law, the petitioner has filed this Writ Petition and also seeking compensation for the illegal detention. He further submitted that there is absolutely no material to show that the petitioner's son illegally detained from 24.02.2016 to 26.02.2016. In fact, the petitioner's son involved in a case of attempted to murder, as such the third respondent has registered the case in Crime No.116 of 2016 for the offence under Sections 341, 294 (b), 323 & 307 IPC r/w Section 3(i) of the TNPPDL Act, 1984 and he was arrested on 26.02.2016 and the same day he was remanded to judicial custody. Therefore, there was no illegal detention of the petitioner's son and the Writ Petition is devoid of merits and he prayed to dismissal of this petition.

4.Heard Mr.C.K.M.Appaji, learned counsel appearing for the petitioner and Ms.Anantha Devi, learned Government Advocate (Crl.side) appearing for the respondents 1 to 4.

5.Admittedly, the son of the petitioner involved in eight cases and subsequently he was detained under Act 14, 1982. On 26.02.2016 the petitioner involved in Crime No.116 of 2016 for the offence under Sections 341, 294(b), 323 & 307 IPC r/w Section 3(i) of the TNPPDL Act, 1984 on the file of the third respondent police station and he was arrested and remanded to judicial custody.

6.On perusal of the documents filed along with this Writ Petition, it is seen that there is no material to show that the petitioner's son was illegally taken to the police station on 24.02.2016 and illegally detained till 26.02.2016. Though the petitioner stated that her son was taken to the hospital for



he had been taken to the police station on 24.02.2016. Further, even according to the petitioner on the date of alleged illegal detention of 24.02.2020, the petitioner also visited the 4th respondent police station, if that be so, then she would have sent a representation and approached the higher officials for illegally detention of her son immediately. But the petitioner simply filed this Writ Petition for seeking compensation and also take action against the 5th and 6th respondents.

7. In view of the above discussions, this Writ Petition is devoid of merits and the same stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

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Sub Assistant Registrar(CS)

vsd

To

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Kanyakumari District at Nagercoil.

2. The Deputy Superintendent of Police,
Kanyakumari District at Nagercoil.

3. The Inspector of Police,
Vadasery Police Station,
Nagercoil,
Kanyakumari District.

4. The Inspector of Police,
Nesamoni Nagar Police Station,
Nagercoil,
Kanyakumari District.

5. The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai.

W.P. (MD) No.13951 of 2016
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