



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/12/2020

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

W.P.(MD)No.16850 of 2016

and

W.M.P.(MD).No.12223 of 2016

Syed Jahir Hussain

: Petitioner

Vs.

1.State represented by
The Home Secretary,
St. George Fort,
Secretariat,
Chennai-600 009.

2.The Director General of Police,
O/o.The Director General of Police,
Chennai.

3.The Superintendent of Police,
O/o.The Superintendent of Police,
Virudhunagar.

4.The Inspector of Police,
Sivakasi East Police Station,
Sivakasi,
Virudhunagar.

5.The Inspector of Police,
Sivakasi Town Police Station,
Sivakasi,
Virudhunagar.

6.Rajalingam

7.Damodaran

8.Baskaran

: 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 respondent Nos.1 to 3 to take appropriate criminal and departmental actions against the respondent Nos.6 to 8 and to provide adequate compensation to the petitioner by considering his representation dated 24.08.2016.



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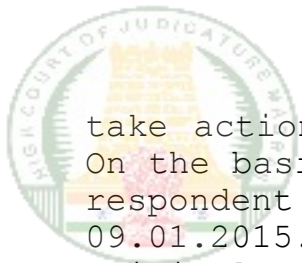
For Petitioner	:Mr.S.M.A.Jinnah
For Respondents 1 to 5	:Mr.KR.Bharathi Kannan Government Advocate (Crl. Side)
For 6 th Respondent	:Mr.D.Shanmuga Raja Sethupathy
For Respondents 7 and 8	:No appearance

O R D E R

This writ petition has been filed seeking direction to the respondent Nos.1 to 3 to take appropriate criminal and departmental actions against the respondent Nos.6 to 8 and to provide adequate compensation to the petitioner by considering his representation dated 24.08.2016.

2.The learned counsel appearing for the petitioner submitted that the petitioner is doing cracker business and he placed an order to purchase crackers for worth about Rs.30,00,000/- from M/S.Swathi Fire Works, which is run by one Mrs.Subashini. But she supplied crackers only for a sum of Rs.28,00,000/- and failed to supply crackers for the balance amount. Thereafter, the petitioner has lodged a complaint before the fourth respondent herein. But, the sixth respondent, who is working in the Special Intelligence Unit, who is also the relative of the said Subashini, threatened the petitioner to withdraw the complaint. When the petitioner refused to withdraw the complaint, a false case has been foisted against the petitioner. He further submitted that on 15.08.2016 the seventh respondent had taken the petitioner to the fifth respondent Police Station and they illegally detained the petitioner. The seventh respondent has also threatened him to withdraw the said complaint as against the said Subashini. He further submitted that the eighth respondent has also induced his subordinates to foist a false case against the petitioner under Section 110 of Cr.P.C., and also brutally attacked the petitioner and obtained signature in the blank papers. Thereafter, he was recovered by his relatives from illegal custody. In fact it was also recorded CCTV camera placed in the fifth respondent Police Station. Thereafter, he sent a detailed representation to the respondent Nos.1 to 3 for taking action as against the respondents 6 to 8. After receipt of the representation, the respondents 1 to 3 did not take any steps as against the respondents 6 to 8. Hence, he has filed the present writ petition.

3.Per contra, the learned counsel appearing for the sixth respondent has produced the counter affidavit filed by the sixth respondent stating that on receipt of the complaint from the petitioner as against one Subashini, the fourth respondent has conducted detailed enquiry. On the enquiry, the petitioner was directed to produce the order, which was already given to the Swathi Fire Works, for which, the petitioner failed to produce any documents to prove her claim. It is further stated that on 03.02.2015 the petitioner had given a letter stating that he will



take action before the Court of law and not pressed the complaint. On the basis of the petitioner's letter dated 03.02.2015, the fourth respondent closed the complaint as alleged by the petitioner on 09.01.2015. It is further stated that the petitioner is having two criminal cases, which are pending before the Sivakasi Town and East Police Station, in Crime No.910 of 2013 for the offence under Sections 294(b), 323 and 506(i) of IPC and Crime No.447 of 2015 for the offence under Sections 120(b), 147, 148 and 302 of IPC. Therefore, the present writ petition has been filed only to escape from the clutches of law and nothing else. He further submitted that there is no proof to show that the sixth respondent threatened the petitioner and the petitioner was illegally detained by the police officials. Except the complaint, no documents have been produced by the petitioner and hence, he prayed for dismissal of this petition.

4.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondents 1 to 5 and learned counsel appearing for the sixth respondent and none appearance on behalf of the respondents 7 and 8.

5.On perusal of materials available on records, it is seen that the petitioner lodged a complaint as against M/S.Swathi Fire Works, which is run by one Mrs.Subashini alleging that he placed orders for purchasing of crackers to the tune of Rs.30,00,000/-, but she supplied crackers only for a sum of Rs.28,00,000/- and failed to supply crackers for the balance amount. On the said complaint, the fourth respondent has conducted detailed enquiry and directed the petitioner to produce the proof for the placement of orders. The petitioner failed to produce any proof and also submitted his letter dated 03.02.2015. It is also seen that based on the petitioner's letter dated 03.02.2015, the fourth respondent has closed the complaint as "Action dropped" by detailed closure report on 09.01.2015. It is also seen that there are two criminal cases are pending against the petitioner. The petitioner has also made similar false complaint before the State Human Rights Commission and the sixth respondent attended enquiry on 14.11.2016 and his statement was recorded. Therefore, the present writ petition has been filed only to escape from the clutches of law.

6.Accordingly, this writ petition stands dismissed as devoid of merits. No costs. Consequently, the connected writ miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Home Secretary,
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Secretariat,
Chennai-600 009.
- 2.The Director General of Police,
O/o.The Director General of Police,
Chennai.
- 3.The Superintendent of Police,
O/o.The Superintendent of Police,
Virudhunagar.
- 4.The Inspector of Police,
Sivakasi East Police Station,
Sivakasi,
Virudhunagar.
- 5.The Inspector of Police,
Sivakasi Town Police Station,
Sivakasi,
Virudhunagar.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.D.Shanmuga Raja Sethupathy, Advocate Sr.No.24944

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VB (11.02.2021) 4P 8C