



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2020

CORAM:

THE HONOURABLE **DR. JUSTICE G. JAYACHANDRAN**

W.P. (MD) No.9175 of 2016

V.P.Ammavasai

... Petitioner

vs.

1. The Director General of Police
Chennai
2. The Inspector General of Police
(South Zone) Madurai
3. The Deputy Inspector General of Police
Dindigul
4. The Superintendent of Police
Theni District, Theni
5. Seemachamy
Deputy Superintendent of Police
Theni District, Theni
6. Ashok Kumar
Sub Inspector of Police
Palanichettipatti Police Station
Theni, Theni District

... Respondents

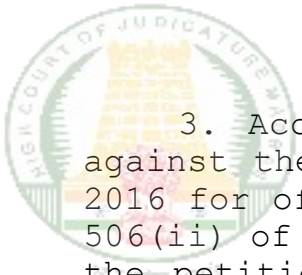
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Mandamus, directing the respondents 1 to 4 herein to take appropriate action against the 5th and 6th respondents on the basis of petitioner 's representation dated 4.5.2016 in accordance with law and consequently direct the 5th and 6th respondent not to harass petitioner' s family members more particularly lady members on the guise of enquiry.

For Petitioner : Mr.S.Sivakumar
For Respondents : Mr.S.Chandrasekar
Additional Public Prosecutor

O R D E R

Heard the learned counsel for the writ petitioner.

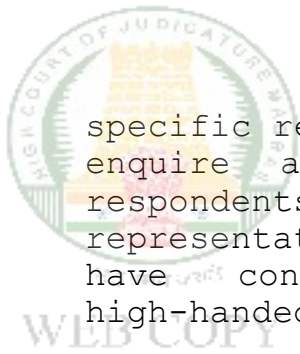
2. This writ petition is filed alleging that the Deputy Superintendent of Police and the Inspector of Police who are the fifth and sixth respondents in collusion with one Kumaragurudoss, is harassing, intimidating and torturing the petitioner to withdraw the complaint against Kumaragurudoss given by the petitioner's son Mithunchakravathy; for misappropriation of the funds of Palaniyappa Pasana Paripalana Sabai.



3. According to the petitioner, a false case was registered against the petitioner's son and five others in Crime No.352 of 2016 for offences under Sections 143,447,294(b),323,324,341,427 and 506(ii) of IPC. Though in the First Information Report, the name of the petitioner was not found, it was included subsequently and he was arrested and taken into custody, intimidated and threatened to withdraw the complaint of misappropriation of the Palaniappa Pasana Paripalana Sabai. Since the petitioner has refused he has been arrayed as one of the accused in Crime No.352 of 2016. A specific allegation against the respondents 5 and 6 as narrated in para 11 of the writ petition is extracted below:

"11. I respectfully submit that in the above said facts and circumstances, myself and my son and other have filed a petition before this Hon'ble Court in Crl.O.P(MD) No.7763/2016,7772/2016 and 7773/2016 for grant of anticipatory bail which came up for hearing on 04.05.2016 and on that day at the request of the Government Advocate, the case was adjourned. In the meanwhile the fifth and sixth respondents on the guise of enquiry into the complaint calling our family members more fully lady members to the police station making them to wait from early morning hours till late night and threatening them with serious consequences. It is further pertinent to mention that on 29.04.2016 at about 10.30 a.m my wife namely Sundaravali was called to the police station by the fifth and sixth respondent on the guise of enquiry and stated that unless myself and my son surrender before the fifth respondent he would start filing further cases against me and mys on and other family members and also further stated that they would even kill me on the guise of encounter if I do not play to their tunes. In this connection, my son Mithu Charkravathy gave a complaint to the respondents 1 to 4 on 29.04.2016 explaining all the above facts and requested for immediate action. Further on 01.05.2016 at about 06.00p.m my sister's daughter namely Vijay and her son Karthik who is studying in the school and her husband namely Vanaraj were also called to the police Station and they were subjected to illegal detention and they were also threatened that myself and others should surrender before the fifth respondent immediately otherwise false cases would be foisted against them also they would be remanded. This action on the part of the fifth and sixth respondents is highly illegal and arbitrary".

4. Though the fifth and sixth respondents has filed counter denying the allegation , the criminal case registered against the petitioner herein appears to have ended in acquittal and the State has not preferred any appeal against the acquittal. When there was



specific request from the petitioner to the respondents 1 to 4 to enquire about the high handedness of the fifth and sixth respondents, the respondents 1 to 4 have not acted upon the representation or they have not filed counter to show that they have considered the representation of the petitioner regarding high-handedness of the respondents 5 and 6.

5. Under these circumstances, this Court being satisfied with the averments made in the affidavit, allow the writ petition to the effect that the second respondent/ Inspector General of Police, South zone, Madurai shall initiate enquiry proceedings on the allegation of the petitioner herein after causing to the petitioner and the respondents 5 and 6. The enquiry shall be completed within a period of six months from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

- 1.The Director General of Police
Chennai
2. The Inspector General of Police
(South Zone) Madurai
- 3.The Deputy Inspector General of Police
Dindigul
4. The Superintendent of Police
Theni District, Theni
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.SIVAKUMAR, Advocate (SR-11088[F] dated 11/03/2020)