



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.15096 of 2021

and

WMP.No.15989 of 2021

P.Deventhiran

... Petitioner

Versus

1.The Director General of Police

Office of the Director General of Police
Radhakrishnan Salai
Chennai.

2.The Superintendent of Police

Office of the Superintendent of Police
Tirupur District.

3.The Deputy Superintendent of Police

Office of the Deputy Superintendent of Police
Kangayam Circle
Tirupur District.

4.The Inspector of Police

Kangayam Police Station
Tirupur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to transfer the investigation on the file of the fourth respondent police to any other independent investigation agencies or any other jurisdiction police other than the fourth respondent on the complaint given by the petitioner dated 30.06.2021.

For Petitioner :Mr.P.Saravanakumar

For Respondents:Mr.A.Damodaran

Government Advocate (Crl.Side)

ORDER

This petition has been filed to direct the respondents 1 and 2 to transfer the investigation on the file of the fourth respondent police to any other independent investigation agency or any other jurisdiction police other than the fourth respondent, on the complaint given by the petitioner dated 30.06.2021.



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2. The petitioner has filed this Writ Petition stating that he handed over a representation to the respondents 1 to 4 on 30.06.2021, but no action has been taken against the persons named therein. Hence, he filed this petition seeking change of investigation.

3. The contention of the petitioner is that the petitioner belongs to Schedule Caste Community. On 16.08.2020, at about 1.00 a.m., one Ranjit, had called him in Mobile No.6380247255 to come to PKB Oil Mill. Since he worked as an Auto Driver to Ranjit's father, viz., Mani, he immediately responded and reached there, where one Dinesh, Mettur Mohan and Arulkumar had abused and assaulted him with firewood. When the petitioner questioned the same, one PKB Shanmugasundaram had called him by Community name and abused with filthy language. Further, PKB Shanmugasundaram informed that Mani has disclosed all the facts that the Auto belongs to Mani and the petitioner refuted the same. Thereafter, he was taken to their Office, where PK Balusamy, Sub-Inspector of Police and others, were present. In presence of them, the passenger Auto of the petitioner, Adhar Card (original) and Pan Card (original) were retained by them. They also forcibly obtained his signature and finger print in a 20 Rupees bond and retained all the documents. On the next day, i.e., on 17.08.2020, the petitioner went to PKB Shanmugasundaram's house, at that time, PKB Shanmugasundaram and his brother Dheivasigamani, his father PK Balusamy, and his uncle N.S.Natarajan, who is an important functionary of the ADMK party and Secretary and former MLA were there and they abused him by calling caste name and demanded the petitioner to pay a sum of Rs. 3,00,000/- and thereafter, to take the vehicle. The petitioner explained to them that he bought the said Auto on his own money and he had no financial transaction with the said Mani. However, PKB Shanmugasundaram scolded him in filthy language and questioned him, as to why Ranjith's brother-in-law Dinesh had paid a sum of Rs.2,00,000/- to the Financial Company from his Bank account. Thereafter, as per their demand, the petitioner had handed over a sum of Rs.2,00,000/- to them and in turn, they returned the vehicle along with Adhar Card and Pan Card, but they failed to return the documents, in which they forcibly obtained his signature. Hence, he had sent representations to the authorities, but no action has been taken.

4. The learned Government Advocate (Crl.Side) submitted that the petitioner was called for enquiry on 20.07.2021, but the petitioner failed to appear for enquiry before the fourth respondent. Again on 21.07.2021, through the Village Administrative Officer, summons were served and called the petitioner for enquiry, but he had not participated and filed this petition. Hence, no enquiry and investigation has been conducted.



5. At this stage, the learned counsel for the petitioner submitted that the petitioner shall appear and co-operate with the investigation and he will produce what ever documents that are available with him in support of his complaint.

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6. In view of the same, since the allegations which involves the SC/ST Act, calling the petitioner by Caste name, this Court directs the respondent/Deputy Superintendent of Police, Kangayam, to conduct enquiry on the complaint of the petitioner and thereafter proceed in accordance to law. The petitioner is directed to appear before the third respondent on 28.07.2021 and thereafter, as and when required.

7. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

dna

To

- 1.The Director General of Police
Office of the Director General of Police
Radhakrishnan Salai
Chennai.
- 2.The Superintendent of Police
Office of the Superintendent of Police
Tirupur District.
- 3.The Deputy Superintendent of Police
Office of the Deputy Superintendent of Police
Kangayam Circle
Tirupur District.
- 4.The Inspector of Police
Kangayam Police Station
Tirupur District.
- 5.The Public Prosecutor,
High Court, Madras.

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