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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on	Pronounced on
22.10.2021	02.11.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.NO.15212 OF 2018

R.Guru Prasad

...Petitioner

-Vs-

1.The State of Tamil Nadu
rep. By Secretary to Government
Home Department
Fort St. George, Chennai 600 009.

2.The Director General of Police
Kamarajar Salai, Chennai 600 004.

3.The Commissioner of Police
Office of the Commissioner of Police
Chennai 600 007.

4.The Deputy Commissioner of Police
St. Thomas Mount, Chennai 600 016.

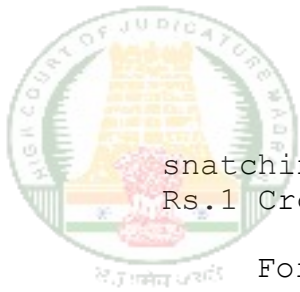
5.The Superintendent of Police
Kancheepuram, Kancheepuram Dt.

6.Inspector of Police
Thalambur Police Station
Kancheepuram District.

7.The Inspector of Police
Selaiyur Police Station
Kancheepuram District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court for the issuance of a writ of mandamus directing the respondents 1 to 5 to enquire into the allegations made by the petitioner in his complaint dated 06.01.2018, order appropriate action against the guilty, transfer investigation of Crime No.369 of 2017 and Crime No.491 of 2017 on the file of Selaiyur Police Station and Crime No.1443 of 2017, Crime No.1448 of 2017, Crime No.115 of 2017 and Crime No.407 of 2017 on the file of the Thalambur Police Station to CB-CID, remove the petitioner's photographs describing him as a chain



snatching thief exhibited in public places, order payment of Rs.1 Crore as compensation.

For Petitioner : Mr.V.Selvaraj, SC, for
Mr.D.Jayasingh

For Respondent : Mr.C.E.Pratap, GA (Crl. Side)

ORDER

The present petition has been filed for a direction to remove the petitioner's photograph as a chain snatcher in the crime registered by the respondents 6 and 7 and for taking appropriate action against respondents 6 and 7 and also for payment of a compensation in a sum of Rs. 1 Crore.

2. It is the case of the petitioner that due to an accident, which happened to the petitioner, he has become a physically challenged person and that he was running a business and when he questioned the activities of certain persons, who have been engaging in prostitution opposite his shop, the 7th respondent, under the pretext of enquiry, took the petitioner and beat him in front of his parents and sister and, thereafter, the petitioner was taken to the police station and was he was chained and further beaten by the other police personnel in the station, whereupon it dawned on the petitioner that such inhuman treatment has been meted out to him on account of his complaint against one Selvamani, who had engaged in prostitution. It is the further case of the petitioner that thereafter, very many cases have been foisted on him and the petitioner has been made as a habitual offender and chain snatcher and the multiplicity of the case has made the petitioner to be noted as a chain snatcher, which has resulted in the affixing of the photograph of the petitioner as a chain snatcher in the police station.

3. It is the further case of the petitioner that very many complaints have been given by the mother of the petitioner against the multiplicity of cases foisted against the petitioner to the higher officials on which no order has been taken by the higher authorities. It is the further case of the petitioner that merely to satisfy certain persons, who are indulging in illegal acts, which acts were questioned by the petitioner, the petitioner has been branded as a chain snatcher. Therefore, for the above acts, the petitioner, has laid a claim of damages to the tune of Rupees One Crore from the 1st respondent. For the above relief, the present petition has been filed by the petitioner.

4. Learned senior counsel appearing for the petitioner, while reiterated the grounds raised by the petitioner in the



affidavit filed in support of the petition, further placed reliance on the decision of a Division Bench of this Court in P.Manikandan - Vs - The State of N.N. & Ors. (W.A. (MD) No.1021/17 - Dated 30.03.2021), wherein the Division Bench, relying upon the Standing Instructions of the respondent relating to the following of the provisions of the Identification of Prisoners Act, has directed the police authorities to strictly avoid display of photographs of the offenders. It is the submission of the learned senior counsel for the petitioner, that though the said instruction has been issued way back in the year 2013, however, without scant regard to the said instructions, the 6th and 7th respondents are flouting the said instructions, which not only deserves to be deprecated, but equally deserves to be set aside and the sufferings endured by the petitioner needs to be compensated by paying the sum as may be quantified by this Court. Learned senior counsel, therefore, contended that direction should be issued to the respondents to remove the name of the petitioner from the display in the board and for a further direction to respondents 1 to 5 to take suitable action against respondents 6 and 7 and also for a direction to the 1st respondent to pay compensation to the petitioner for tarnishing his name and reputation.

5. Per contra, learned Government Advocate (Crl. Side) appearing for the respondent, while filed the counter affidavit of the 6th respondent, relying on the said counter, submitted that the petitioner, along with his group, including his father, has been indulging in illegal acts, including threatening of persons and also robbery. It is the further submission of the learned Government Advocate that based on the complaint given by individuals, the cases have been registered against the petitioner. It is the further submission of the learned Government Advocate that due to the continued illegal acts of the petitioner, history sheet has been opened to show him as a habitual offender on the file of the 6th respondent and the potentiality of the petitioner turning as a habitual offender resulted in the display of his photo in the police station for the purpose of injecting awareness among the public. It is the further submission of the learned Government Advocate that two cases are pending trial and in two cases investigation is under way. Learned Government Advocate also submitted that the petitioner had filed W.P. No.13649/2021 in which notice has already been issued. The petitioner, being a notorious criminal, it is submitted that the prayer of the petitioner may be dismissed.

6. This Court paid its undivided attention to the submissions made by the learned counsel appearing on either side and perused the materials available on record.



7. It is the case of the petitioner that he is not involved in any offence, but has been wantonly implicated in the above offences, while it is countered by the respondents that four cases are pending of which two cases are pending trial and two cases are under investigation. In such a backdrop, when cognizance has been taken by the court of competent jurisdiction and trial is pending, it would not be right for this Court to record a finding one way or the other.

8. In this regard, the reliance placed on the decision of the Division Bench in P.Manikandan's case (supra) would not stand attracted to the case of the petitioner herein, as the facts in the said case are totally different. Therefore, the said decision cannot be taken aid of by the petitioner for extension of similar relief.

9. Further, it is fairly admitted by either side that insofar as the removing the name of the petitioner from being displayed on the boards kept in the police station is concerned, a writ petition in W.P. No.13649/2021 has been filed in which an affirmative direction has been sought for against the respondent to remove the name and photo of the petitioner from being displayed. It is further submitted by the learned Government Advocate that notice has been ordered in the said petition.

10. Once the petitioner has filed a separate petition for the relief of deleting his name from being displayed, this Court, in the present petition, filed under the provisions of the criminal law, is not inclined to give any affirmative relief for the reason that this petition is pending since 2018 and the petitioner has been silent all along and instead of pursuing this petition, in which he has canvassed similar relief, has filed a fresh petition. Therefore, this Court is not inclined to pass any direction in regard to the aforesaid relief.

11. Insofar as the relief sought for by the petitioner relating to payment of compensation is concerned, it is to be pointed out that in none of the cases in which the petitioner has been implicated, the same has ended in a direct acquittal of the petitioner. Two of the cases, as pointed out above, is pending trial and in other two cases, investigation is still underway. Such being the case, unless a judgment in favour of the petitioner is given, the claim of the petitioner for compensation would not have any legs to stand. Further, it is also to be stressed here that mere implication of the petitioner in the offences would not in any way be a ground to grant compensation to the petitioner, as giving any such relief would have a detrimental effect as all the persons, against whom allegations are made, would be knocking on the doors of the judiciary for similar relief, which would relegate the criminal



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law on the back foot. The petitioner should come clean from all the allegations made against him and, thereafter, make any claim under the relevant scheme. Therefore, this Court cannot entertain any request for compensation as sought for by the petitioner.

12. Insofar as the contention of the petitioner that though the mother of the petitioner as also the petitioner has given very many complaints against respondents 6 and 7 on various dates, however, no order has been passed by the concerned respondents on the said complaint. In this regard, it is to be pointed out that once any complaint, more so a complaint of the nature as is averred in the present petition, is received by the authorities, the authorities, as public functionary, are duty bound to consider the said complaint and pass appropriate orders. It is the duty of the authorities to pass orders and not merely act as a post office to receive the complaint and keep the same on their files without giving any quietus to the same. It is only alleging certain grievance complaints are given and in such a situation, the authorities should consider the same and pass appropriate orders on the said complaint one way or the other and cannot keep silent and sleep over the complaint, thereby, making the persons, who have given the complaint to knock on the doors of the court for even getting their representation attended to. In such a backdrop, this Court is of the considered opinion that respondents 1 to 5 are duty bound to consider the complaints and pass appropriate orders thereon in accordance with law.

13. For the reasons aforesaid, this petition is disposed of with a direction to respondents 1 to 5 to dispose of the complaint received from the mother of the petitioner as also the petitioner alleging atrocities at the hands of respondents 6 and 7 with regard to foisting alleged false case against the petitioner and pass appropriate orders on the same in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. Insofar as the other reliefs sought for by the petitioner, the same could not be acceded to and, accordingly, the prayer for the said relief are rejected.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

GLN



To

- 1.The Secretary to Government
Government of Tamil Nadu,
Home Department
Fort St. George, Chennai 600 009.
- 2.The Director General of Police
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- 3.The Commissioner of Police
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W.P.NO.15212 OF 2018

RP(CO)
RVM(23/11/2021)