



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26-11-2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP NO.11717 OF 2014

G.Karpagam

.. Petitioner

VS.

1. The Secretary to Government,
Home Department,
Fort St. George,
Chennai - 600 009.

2. The Director General of Police,
Mylapore,
Santhome,
Chennai - 600 004.

3. The Commissioner of Police,
Vepery,
Chennai - 600 007.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to conduct an enquiry on the petitioner complaint dated 05.04.2014.

For Petitioner : Mr.P.Krishnan

For Respondents: Mr.C.Jayaprakash,
Government Advocate.

O R D E R

The relief sought for in the present writ petition is to direct the respondents to conduct an enquiry on the complaint submitted by the petitioner on 05.04.2014.

2. The abovesaid complaint dated 05.04.2014 reveals that a criminal case was registered against the husband of the petitioner and under the guise of the investigation, the husband of the petitioner was harassed. Thus, action must be initiated against the officials.

3. The learned Government Advocate, appearing on behalf of the respondents, opposed the contentions of the petitioner by



stating that no doubt, a criminal case was registered against the husband of the petitioner for land grabbing and he was not died due to the action taken. The death not occurred in the custody and after registration of the case i.e., five years later, the husband of the petitioner died. Thus the very complaint itself is baseless and in order to harass the Police Officials, such complaints are given and the writ petition is filed.

4. The lawful actions of the Police Officials are bound to be protected by the Courts. Perusal of the complaint would reveal that there is no custodial harassment or otherwise. The land grabbing case was registered and the husband of the petitioner was one of the accused. The death occurred after a lapse of five years from the date of registration of the case. The complaint is also silent with reference to the dates and events or the particulars, which all are necessary to consider the representation. In the event of filing such representations, for initiation of action against the Police Officials, this Court is of an opinion that the writ petition itself is not entertainable.

5. The recent practice of threatening the Police Officials and other Public Authorities from performing their lawful duties, at no circumstances, be encouraged by the High Courts. If at all, such baseless complaints are filed, the writ petitions seeking any direction for initiation of action must be dealt with seriously and even exemplary costs is to be awarded. However, a person, who is approaching the High Court, must approach with clear facts and by establishing the rights.

6. Mere registration of a criminal case or the arrest of a person if provides the cause for filing a writ petition to direct the Higher Officials to consider the representation given against the Investigating Officials can never be accepted and under these circumstances, the petitioner is not made out any acceptable ground for the purpose of entertaining the writ petition.

7. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar

//True Copy//

Svn

Sub Assistant Registrar



To

1. The Secretary to Government,
Home Department,
Fort St. George,
Chennai - 600 009.
2. The Director General of Police,
Mylapore,
Santhome,
Chennai - 600 004.
3. The Commissioner of Police,
Vepery,
Chennai - 600 007.

+lcc to Mr.P.Krishnan, Advocate, S.R.No.62390
+lcc to the Government Pleader, S.R.No.62212

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SSI (CO)
PM/09/12/2021