



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2021

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P. (MD) No.4228 of 2019
(Through video Conference)

P.Karpagavalli

.. Petitioner

Vs.

1.The Commissioner of Police,
Madurai City,
Madurai.

2.Balasundaram,
Inspector of Police (L&O),
K.Pudur Police Station,
Madurai City,
Madurai.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the first respondent to take appropriate action as against the second respondent herein for his dereliction in discharging duty as per law on the basis of the petitioner's representation dated 11.02.2019 made to the first respondent herein.

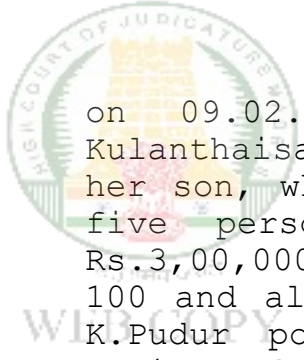
For Petitioner : Mrs.C.Saraswathi
for Mr.K.Kannan

For R1 & R2 : Mr.B.Thanga Aravindh
Government Advocate

O R D E R

Writ of Mandamus is filed by the mother of one Balamurugan alleging that the second respondent, namely, the Inspector of Police attached to K.Pudur police station has not discharged his duty as per law and there is a dereliction of duty on his part and therefore, to take action against him based on the representation, dated 11.02.2019.

2. The said representation addressed to the first respondent indicates that few months before the complaint one Rajappa on Lurdhunagar, K.Pudur, Madurai, came in search of her son. When she enquired her son about the visit of Rajappa, he informed her, he has borrowed money from Rajappa and regularly paying the dues. While so,

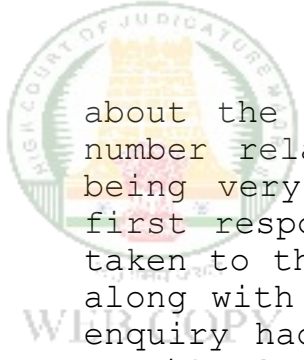


on 09.02.2019 at about 09.00 a.m., Rajappa, his advocate Kulanthaisamy and three others came to her house and enquired about her son, when she informed them that her son has gone out, all the five persons entered her house, assaulted her and demanded Rs.3,00,000/- from her. Immediately she informed the police calling 100 and also gave a written complaint to the Inspector of Police, K.Pudur police station on 09.02.2019. Instead of taking action against the persons, who have trespassed into her house and injured her, the Inspector of Police conducted Kangaroo Court and collected cheque books and RC book from her son and handed it over to those three persons and also threatened her and her son that if they resist, false case will be foisted against them. Therefore, seeking action against the Balasundaram/Inspector of Police/second respondent herein representation to the Commissioner of Police/first respondent herein has been forwarded directly and the present writ petition is for the relief as above stated filed on 22.02.2019.

3. The learned Government Advocate would submit that on 09.02.2019, the respondent police received call informing that there is fight in the public place at Alagar Nagar, 5th Street. Therefore, they rushed to the spot. The petitioner herein and few others were engaged in causing nuisance and therefore, they were brought to the police station. On enquiry, they found that the petitioner is the member of a political party and her son Balamurugan is running travel business and has borrowed loan of Rs.1,50,000/- from one Devadoss and there was default in repayment. When the financier went to the house of Balamurugan to collect the dues, commotion has taken place. While the financier has stated that after borrowing loan of Rs.1,50,000/- and hypothecating the vehicle in favour of his finance company, Balamurugan has not paid even a single instalment. On contrary, the petitioner and her son Balamurugan informed that they have discharged the loan substantially and only Rs.40,000/- remains to be paid. The second respondent asked both the parties to produce documents regarding the loan and repayment. Thereafter, the parties did not turn up to the police station and in view of non co-operation on both sides, no further investigation conducted.

4. Regarding the allegations of dereliction of duty and conduct of Kangaroo Court by the second respondent, the same is denied and the learned Additional Public Prosecutor would submit that the said allegation is only to get over from further investigation about her contact and causing nuisance in the public place on the instant date.

5. The reading of the affidavit filed along with the writ petition, it is a candid admission of borrowing loan of Rs.1,50,000/- from Sriram Finance and the hypothecation of the vehicle has been executed in favour of the Sriram Finance Company. While so, if really there was any Kangaroo Court conducted by the second respondent and the cheque books and RC book are taken from the petitioner's son, there should have been some specific reference



about the details of the bank, number of cheques and the vehicle number related to the RC book. The very content of the complaint being very vague and no evidence that the same was given to the first respondent would clearly show that the petitioner herein was taken to the police station for causing nuisance in the public place along with the other persons, instead of submitting herself for the enquiry had torpedoed the said process by filing this writ petition as if she has given complaint, dated 09.02.2019 to the second respondent in person and 11.02.2019 to the first respondent in person, which has no proof of acknowledgement and also does not inspire the genuineness in making such representation. The complaint which is bereft of all material details would only show that this writ petition has been filed to neutralise the action likely to be taken by the police against the petitioner for the incident occurred on 09.02.2019.

6. This Court is of the view that this writ petition is filed with bundle of falsehood, hence, liable to be dismissed. Accordingly, this writ petition is dismissed. No Costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PJL

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 Commissioner of Police,
Madurai City,
Madurai.

2. Balasundaram,
Inspector of Police (L&O),
K. Pudur Police Station,
Madurai City, Madurai.



Madurai Bench of Madras High Court,
Madurai.

W.P. (MD) No.4228 of 2019
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