



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2021

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P. (MD) No.6234 of 2019

and

W.M.P. (MD) No.4978 of 2019

WEB COPY

B.Kannan

... Petitioner

-vs-

1.The Inspector General of Police
South Zone
Madurai

2.The Superintendent of Police
Sivagangai District
Sivagangai

3.The Inspector of Police
Thiruppuvanam Police Station
Sivagangai District

4.Sethu

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondent Nos.1 & 2 to take action against the fourth respondent for assaulting and abusing the petitioner on 02.02.2019 and 06.02.2019, on the basis of the petitioner's complaint dated 13.02.2019.

For Petitioner : Mr.R.Pon Karthikeyan

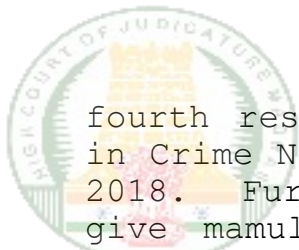
For Respondents : Mr.B.Thanga Aravindh

Government Advocate (Crl.Side) for R1 to R3

R4 : Mr.Arun Swaminathan

O R D E R

The case of the petitioner is that he is the Secretary of Thiruppuvanam Sports and Recreation Club. The object of the Sports Club is to promote sports and game activities among its members. While so, the fourth respondent took charge as Inspector of Police of Thiruppuvanam Police Station and started harassing the petitioner demanding mamul and when the petitioner refused to satisfy his illegal gratification, the fourth respondent started threatening to register false case against the petitioner. As threatened, the fourth respondent first registered a case in Crime No.173 of 2018 to wreck vengeance against the petitioner. When the petitioner reported the matter to the higher officials, provoked by that the



fourth respondent registered another false complaint on 01.09.2018 in Crime No.286 of 2018 and two more cases in the month of October, 2018. Further, the fourth respondent threatened the petitioner to give mamul and continue to run the Club or to close it down. Therefore, a writ petition was filed by the petitioner before this Court in W.P.(MD) No.25389 of 2018 seeking a writ of mandamus forbearing the Inspector of Police, Thiruppuvanam Police Station, from interfering with the lawful day-to-day activities of the petitioner's Sports Club. Thereafter, infuriated by that, the fourth respondent on 02.02.2019, at about 06.30 p.m., came to the Club premises, abused the petitioner in filthy language and assaulted him. The same was recorded in a CCTV Camera. The fourth respondent, again, came on 06.02.2019, at about 05.40 p.m., and threatened the petitioner to close down the Club or he would foist ganja case. That was also recorded through CCTV Camera. Therefore, this writ petition is filed to direct the respondents to take appropriate action against the fourth respondent.

2. The learned Government Advocate (Criminal Side) would submit that pursuant to the complaint given by the petitioner herein, departmental proceedings is initiated for major punishment against the fourth respondent. The petitioner herein has also initiated proceedings before the State Human Rights Commission and the same is pending in S.H.R.C.No.16 of 2019 against the fourth respondent. Since departmental proceedings are initiated against the fourth respondent, nothing survives in this writ petition.

3. At this juncture, the learned counsel for the petitioner submitted that the petitioner wants to file a private complaint against the fourth respondent and seeks leave of this Court to initiate private complaint. It is needless to say that if law permits the petitioner to have recourse in a particular manner, it is always open to him to explore the said legal recourse.

4. Recording the above submission of the learned Government Advocate (Criminal Side), this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

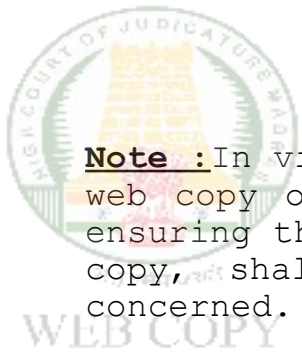
Assistant Registrar (W)

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/ /2021

Sub Assistant Registrar(CS)

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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 Inspector General of Police,
South Zone,
Madurai.
- 2.The Superintendent of Police,
Sivagangai District,
Sivagangai.
- 3.The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.PONKARTHIKEYAN, Advocate (SR-39114[F]
dated 16/12/2021)

W.P. (MD) No.6234 of 2019
and

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