



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2021

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P. (MD) No.7627 of 2019
(Through video Conference)

T.Subramani

.. Petitioner

Vs.

1.State rep. by
The Superintendent of Police,
Karur District.

2.State rep. by
The Deputy Superintendent of Police,
Aravakurichi Sub-Division,
Aravakurichi,
Karur District.

3.State rep. by,
The Inspector of Police,
K.Paramathi Police Station,
Karur District.

4.Gowtham

5.Sivasamy

.. Respondents

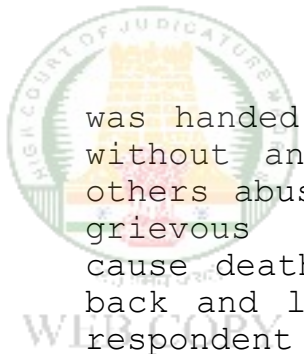
PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct respondents 1 to 3 to conduct enquiry on the basis of the petitioner's representation, dated 06.01.2019, to take appropriate action against the respondents 4 and 5 within the time frame as may be fixed by this Court.

For Petitioner : Mr.V.Balaji
For R1 to R3 : Mr.B.Thanga Aravindh
Government Advocate

ORDER

This writ petition is filed seeking mandamus directing the respondents 1 to 3 to conduct enquiry on the representation given by the petitioner on 06.01.2019 and to take appropriate action against the respondents 4 and 5.

2. The case of the petitioner is that he is working as a Lorry driver in V.R.G. Crusher Unit at K.Paramathi. His driving license



was handed over to his employer. On 05.01.2019 at about 8.00 p.m. without any provocation Gowtham, son of his employer along with others abused him calling his community name and attempted to cause grievous injuries by attacking the petitioner with intention to cause death. As a result, the petitioner sustained injuries on his back and left shoulder. He preferred a complaint before the third respondent immediately, but the same was not registered. Thereafter, he went to the hospital for treatment. He was treated at Trichy Government Hospital between 06.01.2019 to 09.01.2019 and thereafter, from Karur Government Hospital from 10.01.2019 to 14.01.2019. Since the police has failed to take action, present writ petition is filed for a direction to take action against the offenders, who assaulted him and called him by community name.

3. The learned Additional Public Prosecutor appearing for the State would submit that the enquiry conducted based on the complaint given by the petitioner herein has revealed that the petitioner herein under drunken state had picked quarrel with the other lorry drivers since he has lost his job and there was no occurrence as stated by the petitioner in his complaint and the investigation has led to conclusion that the complaint has been given by the petitioner only to force his employer to take him back into employment and there is no truth in his complaint. Therefore, the complaint has been closed vide closure report, dated 19.11.2019.

4. The learned counsel appearing for the petitioner would submit that the investigation officer has not properly investigated his complaint and based on the lopsided investigation, he has submitted the closure report against which the petitioner has filed his protest petition.

5. In the light of the above fact, liberty is given to the petitioner herein to pursue his remedy by resorting to file a private complaint or pursue the protest petition envisaged under law. Since complaint has already been investigated by the police and closed as 'mistake of fact' nothing survives in this writ petition for further adjudication. Hence, this writ petition is dismissed. No Costs.

Sd/-

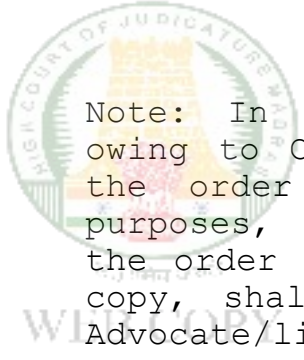
Assistant Registrar (CS-I)

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/ /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 Superintendent of Police,
Karur District.

2.The Deputy Superintendent of Police,
Aravakurichi Sub-Division,
Aravakurichi,
Karur District.

3.The Inspector of Police,
K.Paramathi Police Station,
Karur District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

W.P. (MD) No.7627 of 2019
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NSN (CO)
KB(03.01.2022) 3P 5C