



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reservation	24.08.2021
Date of Judgment	12.11.2021

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CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVANWP (MD) No.15927 of 2020

R.Shankar

: Petitioner

Vs.

1.The State of Tamil Nadu
Represented by its Chief Secretary,
Chief Secretariate,
Chennai-600 009.

2.Additional Chief Secretary,
Tamil Nadu Government,
Chief Secretariate,
Chennai-600 009.

3.The Director General of Police,
Tamil Nadu Police,
Dr.Radhakrishnan Road,
Mailapore,
Chennai.

4.Mr.Harikrishnan,
Inspector of Police,
Thackalay Police Station,
Kanyakumari District.

5.Mr.Charles,
Inspector of Police,
Thiruvattaru Police Station,
Kanyakumari District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking a Writ of Mandamus, directing the respondents to take appropriate disciplinary action against the erred police officials, who implicated the petitioner into false case and award a compensation of Rs.50 Lakhs for implicating him into false case by the erred police officials, within the time limit as fixed by this court.

For Petitioner

: Mr.K.K.Samy

For Respondents

: Mr.R.M.Anbunithi

Additional Public Prosecutor

**ORDER**

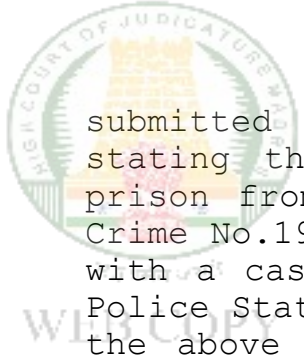
The writ petition is filed seeking a direction to take appropriate disciplinary proceedings against the respondent police officials, who implicated the petitioner falsely in the above said crime and also awarding compensation of Rs.50,00,000/-.

2.The case of the petitioner in brief:-

The petitioner was arrested in connection with a case in Crime No.199 of 2012 on the file of the V.K.Puram Police Station, Tirunelveli and he was in judicial custody from 12.06.2012 to 07.04.2013 and again, he was arrested in connection with a case in Crime No.193 of 2012 on the file of the Kallidaikurichi Police Station and he was in judicial custody from 20.06.2013 to 29.10.2013. So, the petitioner was in judicial custody in the above said cases between 12.06.2012 to 07.04.2013 and 20.06.2013 to 29.10.2013. But a false implication has been made against the petitioner in Crime No.14 of 2013 on the file of the Thackalay Police Station, as if he is involved in the crime, which took place, on 06.01.2013. Similarly, he has been falsely implicated in Crime No.127 of 2013 on the file of the Thiruvattaru Police station, which took place, on 06.03.2013. So in both the alleged date of occurrence on 06.01.2013 and 06.03.2013, he was in judicial custody and absolutely, there is no possibility for him to commit the above said crimes along with the co-accused persons. The petitioner was a friend of one Ilango, who was a regular offender and that was not known to the petitioner. The petitioner simply went along with the said Ilango to dispose the stolen property at one time and that has been used by the Police officials for getting bribe and when it was refused by the petitioner, he was falsely implicated in these two crimes. The petitioner has filed a quash petition in CrI.OP(MD) No.4198 of 2016 seeking quashment of CC NO.33 of 2015 on the file of the Judicial Magistrate, Padmanathapuram and during that process, the Additional Superintendent of Police, Thackalay Sub Division has filed a report. Based on the said report, an order has been passed by this court in the above said petition, directing the petitioner to surrender before the Judicial Magistrate, Padmanabhapuram for recalling the warrant and for conducting enquiry. Later, the petitioner was compelled by the police not to appear before the learned Judicial Magistrate and cooperate with to complete the enquiry. In the above said criminal original petition, there is a clear indication that the petitioner was not involved in the above said crimes. So the cases ought to have been closed by the State Government. But it has been prolonged. Hence, this petition.

3.Heard both sides.

4.It is a case of false implication purposely by the respondents police. The petitioner during the earlier round of litigation in CrI.OP(MD)No.4198 of 2016 along with the other persons in Crime No.419 of 2016 relied on the RTI report, which has been



submitted by the Superintendent of Central Prison, Palayamkottai stating this petitioner was admitted in judicial custody in the prison from 26.06.2013 to 29.10.2013 in connection with a case in Crime No.193 of 2012 and from 12.06.2012 to 07.04.2013 in connection with a case in Crime No.199 of 2012 on the file of the V.K.Puram Police Station. So finding that something went wrong, this court in the above said criminal original petition directed the Additional Superintendent of Police, Thuckalay Sub Division to enquire the same and file a report. He also filed a report stating that this petitioner was not in the place of occurrence in the above said two crimes, but in the confession statement, he has been purposely implicated himself to misdirect the investigating process and the Investigating Officer. So based on the above said report, this court directed this petitioner to appear before the trial court and file a proper application for recalling the warrant. The Judicial Magistrate was also directed to conduct enquiry. But this petitioner did not appear before the Magistrate. Observing that non compliance of the order passed by this court cannot be appreciated and so, that petition came to be dismissed. Now, a new stand has been taken by the petitioner to the effect that he was forced and prevented by the police officials from appearing before the enquiry Magistrate. Absolutely the said contention is baseless and without any material. Had he expressed any trouble at the hands of the Police Officer, then he ought to have informed the same to his Advocate namely S.J. Chakkaravarthy, who was appearing on behalf of the petitioner. But on the contrary, the learned counsel appearing for the petitioner submitted before this court that he was not in a position to persuade this petitioner to comply the order that has been passed in the above criminal original petition. So finding that the conduct on the part of the petitioner is not proper, that petition came to be dismissed. So the petitioner cannot be taken advantage on his own wrong by giving false reasons that due to the pressure made by the respondents police officer, such a sort of contention cannot be accepted as stated above.

5.The entire records called for from the trial court. Perusal of the records shows that NBW was pending for a very long time before the trial court. As stated above, the petitioner did not appear before the trial court, seeking recall of the warrant as directed. Then he filed petition, on 18.08.2021 seeking recall of the warrant. So, that came to be dismissed on the same day. Now NBW is pending. This petition came to be filed before this court on 09.11.2021, when the warrant is still pending against the petitioner. No doubt, charge has been framed even in 2015 itself. Thereafter, the petitioner filed CrI.OP(MD)No.4198 of 2016, So it appears that only to over come the above said trial process as well as the execution of the warrant, this petition has been filed. Since the above criminal original petition has been dismissed by this court, because of the attitude, conduct and non co-operation on the part of the petitioner, now on the very same ground, it cannot be taken advantage, seeking compensation. Absolutely, I find no merit in this petition.



6. In fine, the writ petition deserves dismissal and accordingly, it is **dismissed**. No costs.

Sd/-

Assistant Registrar (CS-III)

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Sub Assistant Registrar(CS)

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To,

1. The Chief Secretary,
Chief Secretariate,
Chennai-600 009.
2. The Additional Chief Secretary,
Tamil Nadu Government,
Chief Secretariate,
Chennai-600 009.
3. The Director General of Police,
Tamil Nadu Police,
Dr. Radhakrishnan Road,
Mailapore,
Chennai.
4. The Inspector of Police,
Thackalay Police Station,
Kanyakumari District.
5. The Inspector of Police,
Thiruvattaru Police Station,
Kanyakumari District.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

WP (MD) No. 15927 of 2020
12.11.2021

RD(07.12.2021) 4P 7C