



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. (MD)No.17718 of 2017

Pasumpon

... Petitioner

Vs.

1. The Secretary,
Home Department,
Fort St.George,
Chennai.
2. The Director General of Police,
Dr.Radhakrishnan Salai,
Chennai.
3. The Superintendent of Police,
Theni District,
Theni.
4. Mr. J.Mahesh, IPS
The Superintendent of Police,
Thanjavur District.
5. The Sub-Inspector of Police,
Veerapandi Police Station,
Theni District.
6. Mr. Kathiresan,
The Sub-Inspector of Police,
Veerapandi Police Station,
Theni District.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to take appropriate departmental action against the respondents 4 and 6 for registering the false cases against the petitioner and his family members in Cr.No.274/2015 dated 28.05.2015 and Cr.No.441 of 2015 dated 09.08.2015 on the file of the Veerapandi Police Station, Theni District besides directing them to award suitable compensation to the petitioner and his family for the police excess committed against them.



For Petitioner : Mr. U.Antony Santhosh
For R1 to R3,R5 : Mr. D.Muruganandham
Additional Government Pleader

O R D E R

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This Writ Petition is filed for a direction to the respondents 1 and 2 to take appropriate departmental action against the respondents 4 and 6 for registering false cases against the petitioner and his family members in Cr.No.274/2015, dated 28.05.2015 and Cr.No.441 of 2015, dated 09.08.2015, on the file of the Veerapandi Police Station, Theni District, besides directing them to award suitable compensation to the petitioner and his family for the police acts committed against them.

2. The case of the petitioner is that the property in Survey Nos.514/16 and 515/16 has been situated at Lakshmipuram, Jangalpatti Panchayat, Theni District, which stands in the name of his wife viz., Sakkammal and enjoying the same. Since there was some dispute regarding the said properties with his family and one Seeniappan, the petitioner's wife had filed a suit in O.S.No.198/2011 before the District Munsif Court, Theni and the same is pending. Since the said Seeniappan has threatened the petitioner's family, he filed a Criminal Original Petition in CrI.O.P(MD)No.3240 of 2015 and obtained an order dated 07.04.2015 directing the Inspector of Police, Veerapandi Police Station, to give police protection. While so, the sixth respondent herein has registered a false case against the petitioner in Cr.No.272 of 2015. Since the Revenue Officials had failed to survey the petitioner's land, he filed a writ petition in W.P(MD)No.12900 of 2015 before this Court and thereby getting police protection to survey his land. Once again, the sixth respondent with an ulterior motive, gave a false complaint against the petitioner on 09.08.2015 and the same has been registered in Crime No.441 of 2015. Thereafter, the petitioner was arrested and released on bail, by the Magistrate Court, Theni, on 20.08.2015. After coming out on bail, the petitioner has preferred a petition to the Chief Minister, seeking to take departmental action against the sixth respondent. Pursuant to which, the fourth respondent, who was then Superintendent of Police, Theni District, has sent a reply to the C.M Cell stating that the petitioner was interned at Central Jail, Madurai, from 09.08.2015, in connection with the Crime No.441 of 2015. Further, the fourth and sixth respondents purposefully victimized the petitioner in the aforesaid false cases. Hence, the petitioner has made a representation, dated 06.01.2017 to the first and second respondents to take appropriate disciplinary action against them. Till date, no order was passed. Hence, the present writ petition is filed.

3. The learned counsel appearing for the petitioner reported "no instruction".



4. The learned Additional Government Pleader appearing for the respondents 1 to 3 submitted that based on the complaint given by one Seeniappan, two criminal cases have been registered against the petitioner. The petitioner has also made a complaint, in which, the sixth respondent had registered a case against the said Seeniappan in Crime No.372 of 2011, which was taken on file in C.C.No.326 of 2013 before the learned Judicial Magistrate, Theni. Hence, the Official respondents have not extended any favoritism in performing their duties. Hence, he prays for dismissal of the present writ petition.

5. The facts in the present case are not in dispute. Admittedly, there was a property dispute between the petitioner and one Seeniappan. The grievance of the petitioner is that the complaint was not properly enquired into by the Official respondents and they extended favoritism in favour of one Seeniappan. Further, the fact remains that the only remedy available to the petitioner is that if the criminal complaint is not taken on file, he has to file a petition before the Superintendent of Police under Section 154(3) of Cr.P.C. Further, the petitioner can approach the lower Court by way of filing a private complaint. Hence, the issue involved in this Writ Petition cannot be decided by this Court. Accordingly, this Writ Petition is dismissed. No costs. However, liberty is granted to the petitioner to work out his remedy in the manner known to law.

Sd/-

ASSISTANT REGISTRAR (RTI Act)

/TRUE COPY/

/ /2021

SUB ASSISTANT REGISTRAR(CS-)

To

1. The Secretary,
Home Department,
Fort St.George,
Chennai.
2. The Director General of Police,
Dr.Radhakrishnan Salai,
Chennai.
3. The Superintendent of Police,
Theni District,
Theni.



4. The Sub-Inspector of Police,
Veerapandi Police Station,
Theni District.

+1 CC to M/s. SPL GP (SR-13319[F] dated 24/03/2021)

NS (PA), KUN (CO)

SMN : 12/05/2021 : 4P/6C.

W.P. (MD) No.17718 of 2017
22.03.2021