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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.18654 of 2012

S.Muthuraja

...Petitioner

Vs

1. The Secretary to Government,
Home Department,
Secretariat,
Chennai - 600 002.
 2. The Director General of Police,
Kamaraj Salai,
Chennai - 600 004.
 3. The Additional Director General of Police (Administration),
Kamaraj Salai,
Chennai - 600 004.
 4. The Deputy Inspector General of Police,
West Zone,
Coimbatore Range,
Coimbatore.
 5. The Superintendent of Police,
Coimbatore.
 6. Mr.Ammadurai
- ...Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Mandamus, to direct the respondents 1 to 5 to initiate appropriate disciplinary action as against the 6th respondent based upon the representation of the petitioner dated 15.06.2012.

For Petitioner : Mr.R.Sasikumar

For Respondents : M/s.N.Senthilselvi,
Government Advocate,
For R1 to R5.
Mr.V.Jayaprakash Narayanan,
For R6.



O R D E R

The relief sought for in the present writ petition is to direct the respondents 1 to 5 to initiate appropriate disciplinary action against the 6th respondent/Inspector of Police based on the representation dated 15.06.2012.

2. The learned Government Advocate appearing on behalf of the official respondents made a submission that a civil dispute is pending between the petitioner and the other parties and the allegations against the Police Authorities are specifically denied. The counter affidavit filed by the 6th respondent reveals that the Police Authorities have not violated any provisions of law. The relevant portion of the counter affidavit are extracted hereunder;

"7. It is alleged in para 3 of the affidavit that I had forcibly taken the petitioner to the police station on 08.06.2011, abused him and demanded a sum of Rs.5,00,000/- for compromise. It is denied as false. The petitioner has sent a petition dated 10.06.2011 to the IG of Police. In the said petition, the petitioner has clearly stated that he was at Coimbatore on 08.06.2011. In the said petition there was no allegation as such that I had forcibly taken the petitioner to the police station on 08.06.2011, abused him and demanded a sum of Rs.5,00,000/- for compromise. Again, the petitioner has sent a petition dated 02.07.2011 to the Superintendent of Police, Coimbatore which was received on 20.07.2011 in the SP Office. In the said petition, the petitioner has clearly stated that he was at Coimbatore on 08.06.2011 and the said occurrence dated 08.06.2011 was informed to him only through phone from his brother Vishnu Easwaran at about 5.30 P.M. In the said petition too, there was no allegation as such that I had forcibly taken the petitioner to the police station on 08.06.2011, abused him and demanded a sum of Rs.5,00,000/- for compromise. Again, the petitioner has preferred a petition dated 06.09.2011 to the IG of Police, West Zone and Coimbatore. In the said petition, the petitioner has clearly stated that he was at Coimbatore on 08.06.2011. In the said petition there was no allegation as such that I had forcibly taken



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the petitioner to the police station on 08.06.2011, abused him and demanded a sum of Rs.5,00,000/- for compromise. The copies of the said petitions are produced herewith for kind perusal. Now in para 3 of his affidavit the petitioner has come forward with a new false story which is contradictory to the contentions in his above said petitions.

13. The petitioner has not approached this Hon'ble Court with clean hands. The petitioner is a Habitual white collar offender. 2 cases were pending against the petitioner in Pollachi East Police Station Crime No.706 of 2011 u/s 409 of IPC in which one Antony, Manager of Bajaj Finance Company was the complainant. A case in Pollachi East Police Station Crime No.39 f 2012 u/s 120(b), 420 IPC in which one Arun of Udumalpet was the complainant. A petition preferred by one Saleem of Coimbatore is also pending in C.S.R.No.291 of 2012 at Pollachi Town East Police Station."

3. The Superintendent of Police, Coimbatore District also filed a counter affidavit stating that a criminal case was registered in Mahalingapuram, Police Station in Crime No.111 of 2012 against the petitioner. The petitioner has not appeared for enquiry with regard to the said case. However, the case was closed as 'mistake of fact'. The counter reveals that the petitioner is a habitual white collar offender and two cases were pending against the petitioner in Pollachi East Police Station in Crime No.706 of 2011 filed under Section 409 IPC, in which one Antony, Manager of Bajaj Finance Company was the complainant. The other case in Pollachi East Police Station Crime No.39 of 2012 under Section 120(b), 420 IPC in which one Arun of Udumalpet was the complainant. A petition preferred by one Saleem of Coimbatore, is also pending in C.S.R.No.291 of 2012 at Pollachi Town East Police Station.

4. This being the details provided by the Inspector of Police, Pollachi East and the Superintendent of Police, Coimbatore District, this Court is of the opinion that the relief as such sought for in the present writ petition deserves no merits for consideration.



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5. Accordingly, this Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

kmm

To

1. The Secretary to Government,
Home Department,
Secretariat,
Chennai - 600 002.
2. The Director General of Police,
Kamaraj Salai,
Chennai - 600 004.
3. The Additional Director General of Police (Administration),
Kamaraj Salai,
Chennai - 600 004.
4. The Deputy Inspector General of Police,
West Zone,
Coimbatore Range,
Coimbatore.
5. The Superintendent of Police,
Coimbatore.

Copy to:

The Inspector of Police,
Pollachi Town East Police Station,
Coimbatore.

+1cc to Government Pleader SR. No.5625

W.P.No.18654 of 2012

GPL (CO)
PR (21/02/2022)