



W.P.No.14543 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.14543 of 2016

Selvarajan

... Petitioner

Vs.

1.The State of Tamil Nadu
rep. by the Principal Secretary to Government
Home Department
Secretariat,
Chennai – 600 009.

2.The Director General of Police,
Kamarajar Salai,
Mylapore,
Chennai 600 004.

3.The Commissioner of Police
Chennai Cirty
Vepery
Chennai 600 007.

4.Mr.Chidampara Murugesan

5.Mr.Chandran

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to consider and decide the representation of the petitioner dated 15.02.2016 in accordance with law.

For Petitioner : Mr.P.Pugalenth
For R1 to R3 : Mr.S.Rajesh
Government Advocate

ORDER

The relief sought for in the present writ petition is to direct the respondents 1 to 3 to consider and decide the representation of the writ petitioner dated 15.02.2016.

2. The representation submitted by the writ petitioner reveals that when the son of the writ petitioner was in house, the Police Personnel from P-4, Basin Bridge arrested him and confiscated the cell phone. The son of the writ petitioner was arrested and kept in judicial custody. In this regard the petitioner has submitted a representation to the higher officials and no action has been taken. Thus, the petitioner sent representation and filed the writ petition seeking directions to dispose of the said representation.



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Subsequently, the son of the petitioner was arrested by the Veppery Police Station. Against the Police officials of the Veppery Police Station the petitioner has given a complaint.

3. The learned Government Advocate appearing on behalf of the respondents 1 to 3 made a submission that the son of the petitioner is a History Sheeter (HS.No.18/15) and several Criminal Cases are registered against him. About 12 Criminal Cases are registered under various provisions of I.P.C and many such cases are pending for Trial Court. In order to cover up the mischievous of the son of the writ petitioner, he is in the habit of sending several complaints against the Police official and filed a writ petition in order to threaten the Police Officials and therefore, the writ petition is filed.

4. This Court is of the considered opinion that the complaints against the Police officials are to be entertained only in the presence of evidence or reliable documents. There is a growing practice that whenever a police complaint is registered or if a person is arrested, the relatives of the victim or others are raising allegation against the Police officials on performance of



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his duties. No doubt, the Police excessiveness is impermissible. Therefore, if any misconduct or offences is committed by the Police officials, the person making complaint has to establish the same, through documents or evidences or otherwise. Merely making an allegation against the Police officials cannot be entertained in a routine manner.

5. In the present case, the son of the writ petitioner is a History Sheeter and involved in several Criminal Cases registered by various Police Stations in Chennai City. This being the factum, the credibility of the complaint sent by the writ petitioner cannot be trusted upon.

6. Though it is a fit case to impose costs, considering the age of the writ petitioner as he is 88 years old, this Court has taken a lenient view and thus, the relief as such sought for deserves no merit consideration and consequently, the Writ Petition stands dismissed. No costs.

09.11.2022

Jeni
Index : Yes
Speaking order



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To

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S.M.SUBRAMANIAM, J.

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