



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI,
ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

W.P.No.18526 of 2021

S.Ramesh

..Petitioner

Vs.

1. The Chairman
Police Complaints Authority
- for Puducherry Union Territory
Chief Secretariat
Puducherry.
2. The Director General of Police
Police - Head Quarters
Puducherry Union Territory.
3. The Inspector of Police
Policing of Police
SSP C&I Complex
Puducherry.
4. The Union of India
Rep. by the Chief Secretary
Government of Union Territory of Puducherry
Puducherry.
5. Additional Secretary Home / Secretary-cum-Convener
Police Complaints Authority
Home Department
Government of Union Territory of Puducherry
Puducherry.

..Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus to confirm whether the second respondent of the Director General of Police, Puducherry have to obey the Chairman, Police Complaints Authority's orders



or not and for a direction to pass an order or direction in CMP No.1779 of 2021 in W.A.No.3230 of 2019.

WEB COPY

For the Petitioner : Mr.S.Ramesh
Petitioner-in-Person

For the Respondents : Mrs.N.Mala
Govt. Pleader (Puducherry)
for respondents 1, 4 & 5

Mr.V.Balamurugane
Public Prosecutor
(Puducherry)
for respondents 2 & 3

ORDER

(Order of the Court was made by
the Hon'ble Acting Chief Justice)

The writ petition has been filed for a direction to the Director General of Police, Puducherry, to comply with the direction issued by the Police Complaints Authority through its Chairman.

2. The earlier writ petition filed by the petitioner in W.P.No.21587 of 2019 was dismissed by the learned single Judge by a detailed order dated 30.07.2019. The appeal filed against the said order, in W.A.No.3230 of 2019, has been dismissed today by this Court by a detailed judgment, referring to the judgment of the Apex Court in the case of Prakash Singh and others v. Union of India and others, (2006) 8 SCC 1 and the letter dated 23.03.2010 issued by the Government of India.

3. In the judgment of the Apex Court in the case of Prakash Singh supra, the directions given are confined to the action to be taken against the police officer who indulges in the commission of crime like land grabbing and many other related issues, apart from filing of cases of custodial death.

4. This Court, finding that the direction issued by the Police Complaints Authority to cause reinvestigation in the case by an officer other than the one who caused the investigation is beyond jurisdiction, dismissed the writ petition, keeping in mind that the Police Complaints Authority is not conferred with the jurisdiction either to cause a fresh investigation or to register an FIR against any person other than the police officer and that the Police Complaints Authority needs to exercise the power within the four corners of the jurisdiction conferred by the Apex Court in the case of Prakash Singh supra.



5. In view of the above, a sweeping direction sought by the petitioner for complying with the order passed by the Police Complaints Authority cannot be given. Thus, we refrain from passing a sweeping direction for the reason that the petitioner has not placed on record the copy of the order passed by the Police Complaints Authority which is sought to be complied with by the Director General of Police, Puducherry. Accordingly, the writ petition is dismissed. There will be no order as to costs.

Sd/-
Assistant Registrar

True Copy//

Sub Assistant Registrar

kpl/drm
To:

1. The Chairman
Police Complaints Authority
- for Puducherry Union Territory
Chief Secretariat, Puducherry.
2. The Director General of Police
Police - Head Quarters
Puducherry Union Territory.
3. The Inspector of Police
Policing of Police
SSP C&I Complex, Puducherry.
4. The Chief Secretary
The Union of India
Government of Union Territory of Puducherry
Puducherry.
5. The Additional Secretary Home /
Secretary-cum-Convener
Police Complaints Authority
Home Department
Government of Union Territory of Puducherry
Puducherry.

+2ccs to Mr.S.Ramesh, Party in Person, S.R.No.6728

W.P.No.18526 of 2021

SPD[co]
NSK 09/02/2022