



W.P.No.23624 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.10.2022

CORAM:

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.No.23624 of 2021

A.Gandhi

... Petitioner

Vs.

1. The Superintendent of Police,
Superintendent Office,
Nagapattinam District.

2. The Inspector of Police,
Manalmedu Police Station,
Mayiladuthurai.

...Respondents

Writ petition is filed under Section 226 of the Constitution of India to issue a Writ of Mandamus, directing the first and Second Respondents to not to harass the Petitioner except due process of law by considering the Petitioner representation dated 04.10.2021.

For petitioner

: Mr.P.Dasarathan

For Respondents

: Mr.A.Damodaran,
Additional Public Prosecutor



W.P.No.23624 of 2021

ORDER

WEB COPY This Writ Petition has been filed seeking direction to the Respondents not to harass the petitioner except due process of law by considering the representation of the petitioner dated 04.10.2021.

2. The case of the petitioner is that he is a Panchayat President of Manalmedu Village, Mayiladudurai; to defame the reputation of the petitioner, some unknown persons in the village have made a false complaint against the petitioner with political motive; there are only two cases registered and pending against him and the petitioner has got a good chance for acquittal in the said cases. It is the grievance of the petitioner that the respondent Police unnecessarily opened a history sheet and continuously harassing him every now and then. He is also summoned for enquiry under Section 110 of Cr.P.C., In this regard, the petitioner made a representation not to harass him and the same was not considered by the respondent Police. Hence, this Writ Petition.



W.P.No.23624 of 2021

3. The learned Additional Public Prosecutor would submit that the petitioner is an accused in a murder case in SC No.4 of 2002 on the file of the learned Principal Sessions Judge, Nagapattinam and in the said case, he was convicted under Section 304 (i) I.P.C., However, on appeal filed by the petitioner in Crl.A.No.569 of 2002, it was observed that the deceased alone was responsible for the occurrence and on that ground, the appeal was partly allowed on 12.10.2009 and the sentence was reduced to 3 years. The occurrence of the said case pertains to the year 2000.

4. The learned Additional Public Prosecution would further submit that there is yet another filed against the accused in C.C.No.727 of 1998 on the file of the Judicial Magistrate I, Maiyiladudurai for the offence under Sections 353 and 506 (i) of I.P.C., However the petitioner was acquitted in the said case on 26.01.2001.

5. Admittedly, the petitioner is a Panchayat President. It would be possible that his political involvement might invite troubles to him from disgruntled persons. The fact remains that the petitioner had involved in some previous cases. Except the two cases, there is no other case said to be



W.P.No.23624 of 2021

pending against the petitioner for the past 20 years. Though it is the duty of the respondent Police to maintain law and order, it is equally important to allow the person who had corrected himself to live peacefully. It is the grievance of the petitioner that his representation has not been considered by the Police and he is being called to appear before the Police for enquiry under Section 110 Cr.P.C., proceedings.

6. In these circumstances, I feel it is appropriate to direct the respondent Police to consider the representation made by the petitioner. Accordingly, the respondents Police is directed to consider the representation made by the petitioner, dated 04.10.2021 before initiating any proceedings under Section 110 of Cr.P.C., and do the needful in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

7. With the above direction, the Writ petition stands disposed of. No costs.

27.10.2022

vum
Index:yes/No
Speaking order / Non speaking order

4/6



W.P.No.23624 of 2021

WEB COPY **To**

1. The Superintendent of Police,
Superintendent Office,
Nagapattinam District.
2. The Inspector of Police,
Manalmedu Police Station,
Mayiladuthurai.



WEB COPY



W.P.No.23624 of 2021

R.N.MANJULA,J.

vum

W.P.No. 23624 of 2021

27.10.2022