



W.P.No.32843 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P. No. 32843 of 2022

M.Ashok Kumar

... Petitioner

Vs.

1. Director General of Police, Tamil Nadu

2. The Commissioner of Police,
Tambaram City.

3. Deputy Commissioner of Police,
Pallikaranai District, Tambaram City.

4. Assistant Commissioner of Police,
Selaiyur Range, Tambaram City.

5. V.Srinivasan (Inspector of Police)
(Now in Semmanchery Police Station, Tambaram City)

6. R.Ravi (Sub Inspector of Police, Tambaram City) ... Respondents

PRAYER:- Writ Petition is filed under Article 226 of Constitution of India, pleaded to issue a Writ of Mandamus, directing the respondents 1 to 4 to take disciplinary action in accordance with law against the respondents 5 and 6 for gross violation of law.



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For Petitioner : Mr.M.Ashok Kumar
(Party in Person)

For Respondents : Mr.S.Santhosh
Government Advocate (Crl.Side)

ORDER

The Writ Petition has been filed to direct the respondents 1 to 4 to take disciplinary action in accordance with law against the respondents 5 and 6 for gross violation of law.

2.The petitioner who appeared party in person submitted that when the petitioner, his father and his brother were arrested, procedure and formalities for arresting detailed in Section 41 (A) and 41 (B) Cr.P.C. are not followed. Not only that, Hon'ble Supreme Court in *Arnesh Kumar Vs. State of Bihar* categorically held that in case of offence punishable with imprisonment may be less than seven years of imprisonment or which may extend to seven years with or without fine and arrest should avoided unless proper reasons are given for justifying the reasons.



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3. In the case before hand, petitioner's signature was not obtained in the arrest memorandum and none of the procedure and formalities were complied before arresting him, his father and his brother.

4. Per contra, the learned Government Advocate (Criminal Side) submitted that petitioner had already submitted a representation to the Deputy Commissioner of Police, Tambaram. On the basis of his representation current paper enquiry is pending.

5. In view of the submission of the learned Government Advocate (Criminal Side), this Court directs the petitioner to co-operate with the current paper enquiry. If the petitioner is not satisfied with the enquiry report and action taken, he may again approach this Court for appropriate relief. The Deputy Commissioner of Police, Tambaram, is directed to conclude the enquiry within a period of one month from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is allowed. No costs.



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Index :Yes/No
Internet:Yes/No
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- To
1. Director General of Police, Tamil Nadu
 2. The Commissioner of Police,
Tambaram City.
 3. Deputy Commissioner of Police,
Pallikaranai District, Tambaram City.
 4. Assistant Commissioner of Police,
Selaiyur Range, Tambaram City.
 5. V. Srinivasan (Inspector of Police)
(Now in Semmanchery Police Station, Tambaram City)
 6. R. Ravi (Sub Inspector of Police, Tambaram City)
 7. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN, J.

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