



W.P(MD)No.6561 of 2012

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.09.2022

CORAM

THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

W.P(MD)No.6561 of 2012

B.Stalin

.. Petitioner

Vs.

1.The State of Tamilnadu,
represented by its Secretary,
Home Department,
Fort St.George,
Chennai.

2.The Director General of Police,
Government of Tamilnadu,
The Police Head Quarters,
Kamarajar Salai, Mylapore,
Chennai-4.

3.The Superintendent of Police,
Madurai Rural District,
Madurai.

4.The District Collector,
Madurai District,

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Collectorate, Madurai.

5.The Inspector of Police,
Melur Police Station,
Madurai District.

6.K.Madasamy,
The Inspector of Police,
Melur Police Station,
Madurai District.

7.The Sub Inspector of Police,
Keezhavalavu Police Station,
Melur Taluk,
Madurai District.

8.Central Bureau of Investigation,
Represented by its Joint Director,
Shastri Bhavan,
nungambakkam,
Chennai-600 006.

9.Vairamani

10.A.Asra Garg,
The Superintendent of Police,
Madurai Rural District,
District Police Office,
Surveyor Colony,
Madurai.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of



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India, praying for issuance of writ of mandamus,

i) Calling for the records pertaining to the FIR in Crime No. 41/2012 dated 10.03.2012 on the file of the Keela Valavu Police Station and quash the same in so far as the Petitioner B.Stalin, Advocate, who is show as Accused No.18, is concerned.

ii) Directing the respondents 3 and 5 to register the complaint of the petitioner B.Stalin, Advocate, dated 16.03.2012 made to the 1st respondent and complaint dated 12.03.2012 made by the petitioner's father to the 3rd respondent and to the Sub Inspector of Melur Police Station as FIR and the same to be handed over for investigation to the 8th respondent, the Central Bureau of investigation.

iii) Directing the Central Bureau of Investigation, the 8th respondent herein to entrust the same to a Competent Officer for investigation as per law and the same has to be monitored by a top ranking officer

iv) Directing the 1st respondent to pay a fair and just amount as compensation as this Court may fix for the torture, arrest, remand and



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detention of the petitioner B.Stalin, Advocate and the said amount has to be recovered from the police personnel, who have violated the fundamental rights and human rights of the petitioner B.Stalin, Advocate on 10.03.2012 and

v) Directing the 1st and 2nd respondents to initiate Criminal and departmental proceedings against the respondents 3 and 5 without further delay.

For Petitioner : Mr.P.Rathinam

For Respondents 1 to 7 &10 : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

For Respondent No.8 : Mr.Rozario Sundar Raj

For Respondent No.9 : Mr.L.Shaji Chellan

ORDER

This writ petition was filed seeking to quash the FIR in Crime No. 41/2012 pending investigation on the file of the 7th respondent police station and for other consequential reliefs.



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2. Heard Mr.P.Rathinam, learned counsel appearing for the petitioner, Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor appearing for the respondents 1 to 7 & 10, Mr.Rozario Sundar Raj, learned counsel appearing for the 8th respondent and Mr.L.Shaji Chellan, learned counsel appearing for the 9th respondent.

3. The dispute in the present case concerned two advocates, namely, the petitioner and the 9th respondent. Based on the complaint given by both, the 7th respondent has registered FIR in Crime No. 41/2012 and Crime No.42/2012 as a case and counter. It is stated that the investigation is pending in both the cases.

4.The petitioner Mr.Stalin, Advocate was present before this Court. He stated that he had nothing to do with the alleged offence and he was wrongfully roped in this case and he was treated very badly by the police officials. He further stated that it was only based on the false complaint given by the 9th respondent, the police went ahead and acted



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5. The learned counsel representing the 9th respondent was also heard and she submitted an entirely different story on the side of the 9th respondent.

6. In the present case, there has been no further progress in the investigation in both the FIRs. Considering the fact that the petitioner and the 9th respondent are practising advocates, this Court advised the counsel appearing on either side to amicably resolve the dispute. That apart, this FIR came to be registered in the year 2012 and it is almost 10 years passed since the crime was registered. Hence, once again reopening this issue will only cause more damage to the relationship between the petitioner and the 9th respondent. The learned counsel appearing for the petitioner and the 9th respondent fairly submitted that they will take the advise of this Court and ensure that no future dispute takes place between the petitioner and the 9th respondent.



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7. The learned Additional Public Prosecutor submitted that the petitioner had made certain serious allegations against the police officials and that is the reason why the police had to defend themselves in this writ petition.

8. Considering the facts and circumstances of the case and the fact that the incident had taken place on 10.03.2012, it will be in the interest of the parties concerned to bury the hatchet, more particularly, since the petitioner and the 9th respondent are advocates. This Court has to intervene in a case of this nature considering the future prospects of the petitioner and the 9th respondent and to ensure that they carry on with their profession without wasting their time in a criminal case.

9. In view of the above, the FIR registered in Crime No.41/2012 and Crime No.42/2012 pending investigation on the file of the 7th



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WEB COPY respondent are hereby quashed and this Writ Petition is accordingly allowed. No Costs.

12.09.2022

Index : Yes/No
Internet: Yes/No
PJL

To
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Chennai.

2.The Director General of Police,
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The Police Head Quarters,
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4.The District Collector,
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N. ANAND VENKATESH, J.

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