



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P (MD) No.2157 of 2022

WEB COPY

Nagalakshmi

... Petitioner

Vs

- 1.The Director General of Police,
DGP Office,
Chennai.
- 2.The Superintendent of Police,
Office of the Superintendent of Police,
Sivagangai District - 630 562.
- 3.The Deputy Superintendent of Police,
DSP Office,
Manamadurai - 630 606.
- 4.The Inspector of Police,
Manamadurai Police Station,
Manamadurai - 630 606.
- 5.Mr.Athilingham Bose,
Inspector of Police,
Manamadurai Police Station,
Manamadurai - 630 606.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a writ of Mandamus, to direct the fourth respondent to register the First Information Report in the extraordinary situations as per law based on the petitioner's complaint, on 07.01.2022.

For Petitioner : Mr.R.Senthilkumar

For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Criminal Side)
for R.1 to R.4

ORDER

This Writ Petition has been filed for seeking direction to direct the fourth respondent to register the FIR on the
<https://hcservices.ecourts.gov.in/hcservices/>



petitioner's complaint, dated 07.01.2022.

2. The case of the prosecution is that the petitioner is a differently abled person and unmarried. She is living with her mother in hut roof with mud house. In fact, due to cyclone, her entire hurt was fully damaged and the revenue authorities has issued a relief fund for their damaged house. Thereafter, the petitioner had constructed a concrete house and applied for electricity service connection. While being so, there is a civil suit pending between the petitioner's family and the family of one Veeramani. On the strength of the false complaint lodged by the said Veeramani and his family members, the fifth respondent had threatened the petitioner's mother and all the family members to vacate from the said house and also compelled to sign in the blank white papers. When the petitioner's mother refused to sign and refused to vacate from her house, she was taken to the fourth respondent Police Station on 21.10.2021 at about 06.30 p.m. and kept in illegal custody till 11.45 p.m. In that regard, the petitioner's mother lodged detailed complaint before the second respondent in person on 26.10.2021 to take appropriate action as against the fifth respondent. Subsequently, no action has been taken on her complaint and as such, she lodged another complaint to the second respondent on 16.11.2021. It was forwarded to the file of the third respondent and directed to complete the enquiry within a period of seven days by the second respondent. However, the third respondent failed to conduct an enquiry as directed by the second respondent.

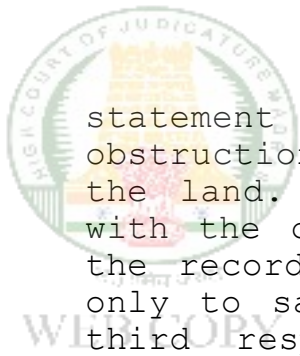
3. While being so, on the request made by the said Veeramani and his family members to survey their land on 21.12.2021, the Tahsildar, Manamadurai requested the fourth respondent to provide adequate police protection to survey the land comprised in Survey No.322/274-D belong to the said Veeramani for the reason that there may be law and order problem created by the adjacent land owners. On 06.01.2022 without any notice to the petitioner the fifth respondent and his Constables went to the house of the petitioner and had put up stones in their house property. When it was questioned by the petitioner, the fifth respondent and two constables assaulted the petitioner by lathi and also dragged her by night dress and consequently made nude in the general public. It was questioned by her mother and made an attempt to prevent the illegal activities committed by the fifth respondent and other police personals. The fifth respondent kicked the petitioner's mother by leg and scolded her with filthy languages. When the petitioner's mother fell down again the fifth respondent had assaulted by lathi on her right hand due to which she sustained fracture on her right hand. Immediately, she was taken to the Government Hospital, Manamadurai, where the petitioner and her mother were admitted as inpatient at about 09.00 p.m on the same day. After four days her mother was discharged from the hospital



Hospital, Sivagangai, for grievous injuries sustained on her right hand, for further treatment. Thereafter, she was admitted for 8 days and due to Covid 19 circumstances she was discharged and taking treatment in her house by the Doctors. Hence, the petitioner lodged a complaint before the fourth respondent to take action as against the police personals on 07.01.2022. But of no avail.

4. While pending this petitions, considering the seriousness of the allegations made in the complaint, this Court by an order dated 11.02.2022 directed the third respondent to conduct an enquiry and file a report before this Court. Accordingly, the third respondent conducted the enquiry and concluded that the complaint lodged by the petitioner is a false one. On perusal of enquiry report revealed that the entire enquiry conducted by the third respondent is not pertaining to the occurrence took place on 06.01.2022. The third respondent simply recorded previous events namely, complaint lodged by the said Veeramani and the complaint lodged by the petitioner along with the civil suits pending between them. Thereafter, recorded the statement from the fifth respondent and simply closed as a false complaint.

5. On a perusal of the records produced by the petitioner reveals that on 06.01.2022 itself she was taken to hospital and her statement was recorded in the Accident Register. The Accident Register is very clear that she was attacked by fifth respondent and other female constables and as such she sustained fracture on her right hand. After discharge, again she was admitted to the Government Medical College Hospital, Sivagangai and she had taken treatment for eight days. The petitioner was also admitted as inpatient in the Government Hospital, Manamadurai and taken treatment for four days. The photographs of the petitioner and her mother are also produced before this Court while taking treatment. The entire medical records produced by the petitioner revealed that the petitioner and her mother had sustained grievous injury and admitted as inpatient. The third respondent without even perusing the documents which are produced by the petitioner, simply closed as false one for the reason that the petitioner did not appear before the third respondent for enquiry even after the receipt of the summons. The above medical records and Accident Register would show the arrogance of the fifth respondent and his police team. The fifth respondent along with other constables trespassed and attacked the petitioner and her mother for not having committed any wrong by them. Though the Tahsildar, Manamadurai, requested to provide police protection while surveying the land belong to Veeramani, the duty of the fifth respondent is to provide police protection while surveying the land. There is also no evidence to show that the petitioner or his mother obstructed the Head Surveyor from surveying the land comprised in Survey No.332/274-D, belong to the said Veeramani. The third respondent also failed to record any



statement from the Tahsildar or its Surveyor with regards to obstruction made by the petitioner or her mother while surveying the land. It shows that the third respondent mechanically dealt with the complaint lodged by the petitioner without looking into the records submitted by the petitioner. It further shows that only to save the fifth respondent and his police personals, the third respondent conducted a shabby enquiry and closed the complaint. Therefore, this Court thought it fit to direct the second respondent to register a case on the complaint lodged by the petitioner, dated 07.01.2022 as against the fifth respondent and other police personals who attacked the petitioner and her mother, under appropriate offences. Thereafter, conduct proper and fair enquiry and file final report within a period of twelve weeks thereafter. This Court also condemned the action of the third respondent and it required departmental action against him.

6. With the above observations and directions, this Writ Petition is allowed. No costs.

Sd/-

Assistant Registrar (AD I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

- 1.The Director General of Police,
DGP Office,
Chennai.
- 2.The Superintendent of Police,
Office of the Superintendent of Police,
Sivagangai District - 630 562.



3.The Deputy Superintendent of Police,
DSP Office,
Manamadurai - 630 606.

4.The Inspector of Police,
Manamadurai Police Station,
Manamadurai - 630 606.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.R.SENTHILKUMAR, Advocate (SR-12615[F] dated
17/03/2022)

W.P (MD) No.2157 of 2022
16.03.2022

KG (CO)
KP (05.04.2022) 5P 7C