



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.03.2022

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.1941 of 2020

Anitha

...Petitioner

/Vs./

- 1.The State of Tamil Nadu,
Rep. by Secretary to Government,
Public Works Department,
Fort St.George, Chennai-600 004.
- 2.The Director,
The Adidraavidar and Tribal Welfare
Department,
Chennai.
- 3.The District Collector,
Virudhunagar District,
Virudhungar.
- 4.The Superintendent of Police,
Virudhunagar District, Virudhunagar.
- 5.The Deputy Superintendent of Police,
Virudhunagar, Virudhunagar District.
- 6.The Inspector of Police,
Soolakarai Police Station,
Virudhunagar District.
- 7.Karuppasamy
- 8.Ukirapandi
- 9.Dharmar
- 10.Mayakrishnan

...Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus, directing the respondents 1 to 6 to pay a sum of Rs.5,00,000/- as compensation for the injuries sustained by the petitioner's husband namely Muniasamy in the hands of the respondents 7 to 9 on 28.11.2019 and 29.11.2019, considering the petitioner's representation dated 02.12.2019 within the stipulated time.



For Petitioner: Mr.M.Jothibas

For R1 to R6 : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor.

For R7 to R10 : No Appearance

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ORDER

This Writ Petition has been filed, seeking for compensation of Rs.5,00,000/- (Rupees Five Lakhs Only) for the injuries sustained by the petitioner's husband, namely, Muniasamy by the respondents 8 and 9 at the instigation of the respondents 7 and 10.

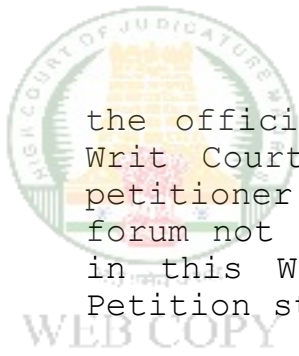
2.It is the case of the writ petitioner that her husband was taken to the custody by the respondents 8 and 9 and kept in a private lodge. He was implicated falsely in the case in Crime No.310 of 2019 for the offences punishable under Sections 8(c) and 20(b)(ii)(A) of Narcotic Drugs and Psychotropic Substances Act, 1985 on the allegation of possessing 170 gram of Kanja on 29.11.2019. The petitioner's husband was admitted on 30.11.2019 and discharged from the hospital only on 10.12.2019. Hence, it is the contention of the petitioner that the discharge summary issued by the hospital clearly shows that there was an injury on the back side of the petitioner's husband. Hence, she seeks compensation.

3.The learned Additional Public Prosecutor appearing for the respondents 1 to 6 has disputed the allegation and submitted that the petitioner's husband was arrested for possession of 170 grams Kanja only on 29.11.2019.

4.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 to 6 and also perused the materials placed on record.

5.Though the learned counsel for the petitioner submitted that the injuries noted by the Medical Officer clearly shows custodial violence, this Court is unable to countenance the submission for the simple reason that the injured allegedly suffering the injury has not made any complaint immediately to anyone. Only his wife / petitioner has sent a representation after sometime. He has not even filed any affidavit or moved any Writ Court for the alleged custodial violence on him. Therefore, merely because he has sustained some injuries and taken treatment after some period, it cannot be presumed that he sustained injury only at the hands of the police.

6.It is also an admitted case that he was released on the same date by the police. Therefore, he ought to have filed complaint immediately, which has not been done so. At any event, as



the official respondents have disputed the entire allegations, the Writ Court cannot go into such disputed facts. It is for the petitioner's husband to establish the same before the appropriate forum not in the Writ Court. Accordingly, I do not find any merits in this Writ Petition. In such view of the matter, this Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Myr

To

- 1.The Secretary to Government,
State of Tamil Nadu,
Public Works Department,
Fort St.George, Chennai-600 004.
- 2.The Director,
The Adidravidar and Tribal Welfare Department,
Chennai.
- 3.The District Collector,
Virudhunagar District,
Virudhungar.
- 4.The Superintendent of Police,
Virudhunagar District, Virudhunagar.
- 5.The Deputy Superintendent of Police,
Virudhunagar, Virudhunagar District.
- 6.The Inspector of Police,
Soolakarai Police Station,
Virudhunagar District.
- 7.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-12630[F] dated 17/03/2022)

W.P. (MD)No.1941 of 2020

16.03.2022

ss (CO)

TR(31.03.2022) 3P 9C