



W.P(MD)No.3669 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.11.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.3669 of 2022

M.Jeya

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary to Government,
Home Department, Secretariat,
Chennai – 600 009.
- 2.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai – 600 004.
- 3.The Inspector General of Police,
South Zone,
Madurai – 625 002.
- 4.The Commissioner of Police,
Madurai City,
Madurai – 625 002.
- 5.The Superintendent of Police,
South Zone,
Crime Branch Investigation Department (C.B.C.I.D.),
No.220, Pantheon Road, Egmore,
Chennai – 600 008.
- 6.S.Alex Raj
- 7.R.Ravichandran
- 8.S.Ravichandran



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9.C.Satheesh Kumar

... Respondents

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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of of Mandamus, directing the respondents No.1 to 4 to initiate departmental disciplinary action as against the respondents No.6 to 9 who killed the petitioner's Juvenile deceased son Muthu Karthick in their police illegal custody by considering the representation dated 10.06.2021 and 17.09.2021 and more particularly considering the fact that the respondent No.5 has filed Charge-sheet against the respondents No.6 to 9 within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.R.Karunanidhi

For Respondents : Mr.R.Suresh Kumar,
Addl. Govt. Pleader for R1 to R5.
Mr.N.Dilipkumar for R6.
Mr.Vakeeswaran for R7 & R8.
No appearance for R9.

ORDER

Heard the learned counsel on either side.

2.The petitioner seeks initiation of departmental proceedings against the private respondents who according to the petitioner are responsible for the custodial death of her son. As rightly pointed out by the learned Additional



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Government Pleader for the department, the prayer has become infructuous because charge memo has already been issued on 05.05.2022 and enquiry officer has also been appointed on 31.10.2022. The delinquent filed W.P.(MD)Nos.26136 to 26138 of 2022 seeking deferment of the departmental proceedings. I had disposed of the writ petition in the light of the decision of the Hon'ble Supreme Court reported in **2014 (3) SCC 636 (Stanzen Toysetsu Indian Private Limited Vs. V.Grishh)**.

3.However, the learned counsel for the petitioner draws my attention to the order dated 11.06.2021 made in CrI.O.P.(MD)No.269 of 2021. It was a petition for anticipatory bail filed by the delinquent police officials. Anticipatory bail was granted after recording of their undertaking that they would cooperate for the disposal of the criminal case. Paragraph Nos.4 and 5 of the said order read as follows:-

4. Crime No.2 of 2019 was registered by CBCID for the offences under Section 714 of Cr.P.C. The petitioners are serving as police personnel. The petitioners were not arrested during the investigation. Final report has been filed and the committal proceedings are presently pending in P.R.C.No.290 of 2020, on the file of the learned Judicial Magistrate No.IV, Madurai. After summons were received



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by the petitioners, this criminal original petition has been filed. The apprehension of the petitioners is that if they appear before the Court below, since the committal magistrate will not have jurisdiction to grant bail, they will be automatically remanded. This apprehension of the petitioners is legitimate. I am of the view that since the final report itself has been filed, the question of custodial interrogation does not arise at all. Arrest or remand of the petitioners will not serve any purpose. However, taking note of concerns expressed by the learned Government Advocate (Crl. Side), I am of the view that the proceedings will have to be expedited. The petitioners' counsel on instructions states that the petitioners would appear before the committal Court as well as trial Court and would not adopt any dragging on tactics. The petitioners' counsel went to the extent of saying that the petitioners would not file any discharge application and that they would cooperate for speedy disposal of the trial itself.

5. Recording the said undertaking given by the petitioners through their counsel, the petitioners are directed to appear the committal magistrate on 17.06.2021. The committal proceedings will be concluded within a period of four weeks from the said date. The learned Principal Sessions Judge, Madurai, may take up the trial by himself or make it over to any other Court, if the case is transferred to any other Court. Within a period of six



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months from the date of receipt of records, the trial itself shall be concluded on merits and in accordance with law. I make it clear that merely because direction for speedy disposal has been given, it will not cast any cloud on the defence of the petitioners herein.”

4.It is now stated that the case is now pending on the file of the learned V Additional District Sessions Judge, Madurai in S.C.No.289 of 2021. It is stated that the next hearing date is 01.12.2022. The case is posted for framing charges. The learned trial Judge is directed to frame the charges by 01.12.2022 itself and conclude the trial within a period of six months thereafter.

5.With this direction to the learned trial Judge, this writ petition is disposed of. No costs. The Registry is directed to mark a copy of this order to the learned V Additional District Sessions Court, Madurai.

30.11.2022

Index : Yes / No

Internet : Yes/ No

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Issue order copy on 30.11.2022.



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G.R.SWAMINATHAN, J.

ias

To:-

- 1.The Secretary,
Home Department, Secretariat,
Chenani – 600 009.
- 2.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai – 600 004.
- 3.The Inspector General of Police,
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Copy to:-

The V Additional District Sessions Court,
Madurai.

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