



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.5483 of 2022

WEB COPY

Amutha

... Petitioner

vs.

1.The Additional Principal Secretary
Home Department
Secretariat, Chennai

2.The Director General of Police
Beach Road, Chennai-4

3.The Deputy Inspector General of Police
Ramanathapuram
Ramanathapuram District

4.The District Collector
Ramanathapuram
Ramanathapuram District

5.The Superintendent of Police
Ramanathapuram District
Ramanathapuram

6.Kalaivani
Inspector of Police
Abiramam Police Station
Ramanathapuram District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents 1 to 5 herein to take departmental action against the sixth respondent in accordance with law, based on the petitioner's representation, dated 15.03.2022, within a time stipulated by this Court.

For Petitioner : Mr.R.Venkateshwaran
for Mr.Arputharaj.A.

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader for R1 to R5



O R D E R

The relief sought for in this writ petition is to direct the respondents 1 to 5 to take departmental action against the sixth respondent - Inspector of Police, Abiramam Police Station, Ramanathapuram District, in accordance with law, based on the petitioner's representation, dated 15.03.2022, within a time stipulated by this Court.

2. The petitioner states that she is an elected President of Pappanam Panchayat. On 01.03.2022, her family members went to worship their family god at Muniyappasamy Temple for Masi Kalari festival. On that day, at about 09.00 p.m., due to some election disputes between the political parties, one Muniyasamy, son of Chellam, attacked the petitioner's husband, who sustained simple injuries and went to Kamuthi Government Hospital, for taking treatment.

3. On 02.03.2022, the sixth respondent - Inspector of Police registered a case against the petitioner's husband and taken him to custody. The petitioner immediately rushed to Abiramam Police Station, wherein the sixth respondent - Inspector of Police was present. The sixth respondent conducted an enquiry with the petitioner and identified that she is the President of Pappanam Panchayat.

4. The learned counsel for the petitioner states that the sixth respondent used abusive language and scolded the petitioner by using her caste name etc. and she was ill-treated in the Police Station. The petitioner sent a representation on 15.03.2022 to the respondents 1 to 5 for taking action against the sixth respondent, after a lapse of about thirteen days from the date of the incident. Since no action has been taken till date, the petitioner has filed this writ petition seeking direction to the respondents 1 to 5 to take departmental action against the sixth respondent.

5. The learned Additional Government Pleader appearing for the respondents 1 to 5 strenuously objected the above contentions of the learned counsel for the petitioner by stating that the petitioner has filed this writ petition with false set of facts. The petitioner has taken some personal vengeance against the public officer, namely, sixth respondent - Inspector of Police and filed this writ petition in order to threaten the Police officials. Even as per the version of the petitioner, she was ill-treated by the sixth respondent on 02.03.2022 and she merely sent a representation only on 15.03.2022, after a lapse of thirteen days, which is clearly an afterthought and therefore, the entire incident is false, frivolous and vexatious.

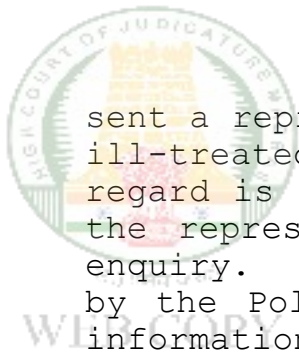
6. The learned Additional Government Pleader further
<https://hcservices.ecourts.gov.in/hcservices/>



contended that the alleged occurrence of assault took place on 01.03.2022 and there was a counter complaint by one Dharmadurai, who belongs to the group of the petitioner's husband, which was also registered by the sixth respondent - Inspector of Police. Thus, two first information reports were registered, one against the petitioner's husband and the other one against the opposite party based on the complaint given by the petitioner's husband. These two cases are under investigation. The petitioner's husband was arrested on 05.03.2022 and remanded to judicial custody. When the facts are on record, the petitioner, based on certain presumptions, picked up quarrel with the sixth respondent and sent a false representation on 15.03.2022, after a lapse of thirteen days and filed this writ petition in order to threaten the public official and therefore, the writ petition is to be rejected.

7. Considering the facts and circumstances, this Court is of the considered opinion that the alleged incident took place on 01.03.2022. The complaint given on either side were registered by the sixth respondent - Inspector of Police on 02.03.2022. Thereafter, by conducting a preliminary enquiry, the petitioner's husband was arrested on 05.03.2022 and remanded to judicial custody. It is brought to the notice of this Court that even in the counter case, which was registered based on the complaint given by the petitioner's husband, some accused persons were arrested. Thus, the sixth respondent - Inspector of Police has taken action based on the complaints and arrested accused persons from both groups and the investigation is in progress. Under these circumstances, the petitioner sent a representation on 15.03.2022 to the respondents 1 to 5 for taking departmental action against the sixth respondent, after a lapse of thirteen days. The delay of thirteen days in sending a representation raises a serious doubt in the mind of the Court. The petitioner is an elected Panchayat President. Therefore, she cannot be construed as an ordinary citizen. As an elected Panchayat President, she is expected to be a law abiding citizen. If at all something happens to her husband and if she received any information, she is expected to initiate appropriate action in the manner known to law. Contrarily, the petitioner, in her official capacity, cannot pick up quarrel with the public official unnecessarily. Even the statements seem to be not genuine as the very representation itself was submitted after a lapse of thirteen days from the date of the alleged occurrence, which took place on 02.03.2022 in the Police Station. Viewing from any angle, the case of the petitioner does not inspire confidence of this Court.

8. There is a growing trend of filing writ petitions in High Court against the public officials, more specifically, Police official, whenever a criminal case is registered against some persons. It is a new tactics of the litigants that in the event of registering a criminal case and if arrest is executed, then they



sent a representation to the Higher Officials stating that they were ill-treated in the Police Station. A mere representation in this regard is insufficient. If at all there are some grounds to accept the representation, the Higher Officials are bound to conduct an enquiry. It is needless to state that even if there is any action by the Police and if the near relative of somebody receives some information against the Police Official, they are expected to take action in the manner known to law and not by picking up quarrel with the Police Official, more specifically, inside the Police Station. If such conducts are permitted to continue further, it will create all such sorts of unnecessary actions.

9. In many cases, the relatives of the accused persons are sending representations to the Higher Officials and filing writ petitions seeking direction to the Authority concerned to take action against the Police Authorities. Such writ petitions, at no circumstances, be encouraged by the High Court, unless the petitioner has followed the procedure as contemplated under law. Many writ petitions are filed without substantiating such incidents. Contrarily, they simply file writ petitions for a direction take departmental action against the Police officials only to demoralize them or to escape from the clutches of criminal law. Once the Police officials are demoralized in such a manner, then they will be slow in initiating appropriate action in the manner known to law. It is a tactics to slow down the activities of the Police Officials or investigation, which can never be appreciated, but to be deprecated and such writ petitions are to be dealt with appropriately.

10. No doubt, in certain circumstances, the Police Authorities do commit excessive exercise of power. However, such excessive exercise of power of the Public Authorities is to be substantiated and established. In the absence of any such proof to establish that the Police Authorities have exceeded their power, no direction can be issued to take departmental action against the Police Officials, while performing their lawful duties by following the procedures as contemplated under law.

11. In the event of demoralizing such Police Officials while performing their lawful duties, they will not be in a position to effectively maintain the law and order duties and deal with crimes in the Society. Therefore, in the event of any such excessive exercise of power, the Higher Officials should conduct an investigation and thereafter initiate appropriate action. Contrarily, entertaining a writ petition based on some representations in this regard is not desirable and such writ petitions are filed in many numbers. Therefore, this Court is of the considered opinion that such writ petitions are to be rejected in *limine*, if the facts are doubtful.



12. In the present case, the petitioner is an elected Panchayat President. Therefore, she is expected to be more responsible and accountable to the Society and to know the procedures to be followed. She went to the Police Station on 02.03.2022 as per her own statement and picked up quarrel with the Police Officials and after a lapse of thirteen days, she sent a representation to the Higher Officials stating that she was ill-treated. Therefore, the very statement of the petitioner cannot be trusted upon and under these circumstances, the petitioner has filed this writ petition in order to demoralize and threaten the Police officials, which can never be encouraged by the High Court.

13. Above all, the sixth respondent - Inspector of Police has been impleaded as a party respondent in this writ petition in her personal capacity, which clearly shows that the petitioner has taken personal vengeance against the sixth respondent without any valid reason and made an attempt to demoralize her from performing lawful duties in the Police Station.

14. Considering the above facts and circumstances, the relief as such sought for in this writ petition cannot be granted and the writ petition is dismissed with the cost of Rs.25,000/- (Rupees twenty five thousand only) payable by the petitioner to the sixth respondent - Inspector of Police, Abiramam Police Station, Ramanathapuram District, who in turn is directed to utilize the said cost amount for providing basic amenities in the Police Station, which would be useful to the general public. The cost amount is directed to be paid by the petitioner within a period of two weeks from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (AE)

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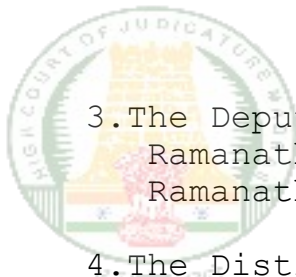
Sub Assistant Registrar(CS)

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To:

1.The Additional Principal Secretary,
Home Department,
Secretariat, Chennai.

2.The Director General of Police,
Beach Road,
Chennai-4.



3.The Deputy Inspector General of Police,
Ramanathapuram,
Ramanathapuram District.

4.The District Collector,
Ramanathapuram,
Ramanathapuram District.

5.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

6. The Inspector of Police,
Abiramam Police Station,
Ramanathapuram District.

+1 CC to M/s.A. ARPUTHARAJ, Advocate (SR-17756[F] dated
11/04/2022)

+1 CC to M/s.SPL.GP. (SR-18164[F] dated 12/04/2022)

W.P. (MD) No.5483 of 2022

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RD(26.04.2022) 6P 8C