



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.03.2022

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.11253 of 2020

and

W.M.P.(MD) 9835 of 2020

WEB COPY

Solaipriya

...Petitioner

Vs.

1. The Superintendent of Police,
Virudhunagar District,
Virudhunagar.

2. The Inspector of Police
Thiruchuli Police Station,
Virudhunagar District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus, to direct anyone of the learned Judicial Magistrates in Virudhunagar District to conduct an enquiry in connection with custodial torture and humiliation committed by the 2nd Respondent and his Subordinates in connection with case in Crime No.287 of 2020 on the file of the 2nd Respondent other than the learned Judicial Magistrate in Aruppukottai, Virudhunagar District, who has already remanded the Petitioner's husband to judicial custody, based on the Petitioner's representation dated 27.08.2020, submitted to the 1st Respondent and other Higher Officials.

For Petitioner : Mr.R.Murugan
For Respondents : Mr.M.Sakthi Kumar
Government Advocate

ORDER

The writ petition has been filed to take action against the second respondent for causing physical torture.

2. It is the case of the petitioner that her husband was taken to the Police Station on 26.8.2020 at 3.00 a.m. and obtained a confession and pursuant to the same, the vehicle belonging to the third party was seized and therefore, he was slapped with charges for the offence punishable under Sections 379 of IPC read with 21(1) of Mines and Minerals (Development and Regulation) Act, 1957.

3. It is the further case of the petitioner that the second respondent belong to a different community and husband of the petitioner also belong to a different community, which was the main reason for alleged torture.

4. It is the further contention of the learned counsel for the petitioner that due to threat, such incident has not been



reported to the Magistrate, while remanding the accused.

5. When the learned counsel himself admitted that there is no such complaint against the Police, while remanding the accused. This Court is of the view that there is no substance in the petitioner's allegations. The petitioner's husband has been arrested for the criminal offence and therefore, mere arrest and seizure of the vehicle, cannot be presumed that there was a violence.

6. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

rm

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 Superintendent of Police,
Virudhunagar District,
Virudhunagar.
2. The Inspector of Police
Thiruchuli Police Station,
Virudhunagar District.
3. The Additional Public prosecutor,
Madurai Bench of Madras High Court, Madurai

W.P. (MD) No.11253 of 2020

and

W.M.P. (MD) No.9835 of 2020

04.03.2022

NSN(CO)

KB(17.03.2022) 2P 4C