



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

**Reserved on : 24.01.2022**

**Delivered on : 04.02.2022**

CORAM

**THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN**

WEB COPY

W.P. (MD)No.11351 of 2019

and

W.M.P. (MD)No.8649 of 2019

1.D.Thamilarasan

2.K.Gunasekaran

... Petitioners

Vs.

1.The State of Tamil Nadu,  
Rep. by the Secretary,  
Home Department,  
Fort St. George, Chennai.

2.The Superintendent of Police,  
Tiruchirappalli District,  
Trichy.

3.The District Manager,  
TASMAC,  
Tiruchirappalli.

4.Mr.Ramalingam,  
Inspector of Police,  
Somarasampettai Police Station,  
Trichy District.

5.Mr.Boopathi,  
Special Sub-Inspector of Police,  
Somarasampettai Police Station,  
Srirangam Taluk,  
Trichy District.

6.Mr.Ananda Raj,  
Police Constable,  
Somarasampettai Police Station,  
Srirangam Taluk,  
Trichy District.

... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to take criminal action against the respondents 4 to 6 and also pay the compensation for the injuries, mental agony and hardship sustained by the petitioners.



For Petitioners : Mr.S.Muthukrishnan  
For R1 to R3 : Mr.S.Ravi  
Additional Public Prosecutor

**ORDER**

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The petitioners are Salesmen in a TASMACH Retail Shop at Othakadai Village, Srirangam Taluk, Tiruchirappalli District. On 28.10.2018 at about 11.15 p.m., when they were returning back after business hours in a motorcycle along with another person, carrying the sale proceeds of Rs.1,77,080/- in a bag, near Pallakadu Panaiyadiyan Temple, Thayanur Village Plantain Research Centre, six persons armed with deadly weapons, attacked them and took away the money.

2.The incident was reported first to the TASMACH Shop Supervisor over phone and thereafter, to the Ramji Nagar Police Station. The petitioners were directed to give complaint before the Somarasampettai Police Station. Therefore, they went to Somarasampettai Police Station to report about the incident. The Inspector of Police, Head Constable and few other Police Constables were present at the Police Station took them to the place of occurrence and enquired.

3.Later, they were interrogated by the Police on 02.11.2018 suspecting the hands of the petitioners in the said crime. Therefore, they were subjected to 3<sup>rd</sup> degree method by the respondent Police from 02.00 p.m. to 05.00 p.m. The petitioners were made to undress and were attacked with lathi. After keeping them in custody illegally till 05.00 p.m., they were allowed to go. The petitioners went to the Government Headquarters Hospital, for taking treatment to the injuries sustained by them at the hands of the Police. They were treated as inpatient till 09.11.2018. The real culprits were secured after 10 days, the petitioners, the victims of the crime, were subjected to torture and illegal custody by the respondents 4 to 6 and were forced to admit the guilt. Therefore, for taking appropriate action against the erred Police Officials and to pay compensation for the violation of human rights, the present Writ Petition is filed.

4.The second respondent has filed counter affidavit, wherein it is stated that on receiving the complaint through the District Manager, TASMACH, Trichy, the case was taken up for investigation. Since the petitioners were not able to provide information coherently and conjointly, the contradictions in their statements initially pointed the needle of suspicion towards the petitioners. However, after interrogation, the petitioners were left out, but kept under secret surveillance. Fearing action from the respondent Police, the present Writ Petition came to be filed. In fact, the respondent Police after thorough investigation, had apprehended the



culprits and they have been prosecuted.

5. In the counter affidavit the following circumstances are listed out to suspect the petitioners initially.

(i) Only the Supervisor of a TASMAL out-let is entitled to move the cash proceeds out of the out-let for the purpose of depositing the same into the Bank account.

(ii) All the three workers of the TASMAL out-let consumed liquor before moving out of the out-let after closing the out-let at 10 p.m. on 28.10.2018.

(iii) They gave contradictory statement creating suspicion that they may also be party to the heist of Government money. ''

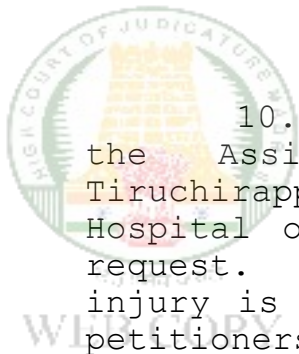
6. It also stated that based on the representation sent by the petitioners to the District Collector, Chief Minister's Special Cell and other authorities, enquiry was made by the Deputy Superintendent of Police through the following proceedings.

- '' (i) C.No.G4/39548/855/2018 - C.No.186/SDOJ/G4/2018
- (ii) C.No.G4/40464/2325/2018 - C.No.465/SDOJ/G4/2018
- (iii) C.No.435/SDOJ/G4/2018
- (iv) G4/38734/2248/2018 - C.No.437/SDOJ/G4/2018
- (v) C.No.45108/516/2018 - C.No.325/SDOJ/G3/2018
- (vi) C.No.7680/51/G3/2019 ''

7. The petitioners did not participate in the said enquiry. However, based on the records, the Enquiry Officers concluded that the allegation levelled against the respondent Police are motivated and devoid of truth. Based on the suspicious behaviour of the petitioners and contradictory statements given by them at the initial stage of investigation, the respondent Police suspected their role in the heist. However, after investigation and surveillance, the innocence of the petitioners has been accepted and they were not prosecuted. At no point of time, they were harassed or subjected to 3<sup>rd</sup> degree method.

8. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the State and perused the materials on record.

9. According to the petitioners, the incident had occurred on 28.10.2018 at about 23.30 hours. The complaint came to be registered on 29.10.2018 at 14.00 hours. The case of the petitioners is that, on 02.11.2018 they were called to Somarasampettai Police Station and assaulted brutally from 02.00 p.m. to 05.00 p.m. Thereafter, they went to the Government Hospital, for treatment.



10.The wound certificate relied by the petitioners issued by the Assistant Surgeon attached to Government Hospital, Tiruchirappalli, indicates that the petitioners were admitted in the Hospital on 02.11.2018 and got discharged on 09.11.2018 at their request. The nature of injury is mentioned as simple, but what the injury is not mentioned. According to the counter affidavit, the petitioners were not called to Somarasampettai Police Station on 02.11.2018. The departmental enquiry conducted has concluded, no violence took place at the Police Station. Also, the wound certificate filed to substantiate the claim does not disclose the injuries. In such circumstances, this Court is of the view that the prayer sought in this Writ Petition cannot be granted due to bereft of material details.

11. Accordingly, this Writ Petition is dismissed. No order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AE)

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Sub Assistant Registrar(CS)

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To

1.The Secretary to Government of Tamil Nadu,  
Home Department,  
Fort St. George, Chennai.

2.The Superintendent of Police,  
Tiruchirappalli District,  
Trichy.

3.The District Manager,  
TASMAC,  
Tiruchirappalli.

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

W.P. (MD) No.11351 of 2019  
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SB(CO)

KB(15.02.2022) 4P 5C