



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.01.2022

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P(MD)No.13180 of 2019

S.Paulraj

... Petitioner

Vs.

1. The Director General of Police
No.1, Dr.Radhakrishnan Salai,
Mylapore, Chennai.
2. The Superintendent of Police
Office of the Superintendent of Police,
Nagercoil Town
Kanyakumari District.
3. The Assistant Superintendent of Police
Office of the Assistant Superintendent of Police,
Kulachal, Kanyakumari District.
4. The Inspector of Police
Kulachal Police Station
Kanyakumari District
5. Velkani
Now working as Inspector of Police
Kulachal Police Station, Kanyakumari District
6. Sundar Singh
Now working as
Special Sub Inspector of Police,
Kulachal Police Station,
Kanyakumari District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, directing the respondents 1 to 3 to take appropriate action against the respondents 5 to 6 as per the clause 120.4 reported in 2014 (1) LW (Cr1) 1; Lalitha Kumari's case within the time frame that may be fixed by this Honble Court.

For Petitioner : Mr.Niranjan S.Kumar

For Respondents : Mr.P.Kottaichamy
No.1 to 4 Government Advocate



ORDER

The present Writ Petition has been filed seeking mandamus against the respondent 5 to 6 to act upon the complaint given by the petitioner following the guidelines laid down by the Hon'ble Supreme Court of India in ***Lalitha Kumari Vs. Government of Uttar Pradesh.***

2. The case of the petitioner is that on 21.04.2019 the petitioner and his wife were brutally assaulted by one Jackson and his friends. Due to the said attack, they sustained injuries on the head and other parts of the body. The petitioner and his wife were admitted in the Aasari Pallam Government Hospital, where the petitioner took treatment as inpatient for three days and his wife took treatment as inpatient for six days. This was brought to the notice of the fourth respondent police, by way of complaint. The said complaint was not registered. On the contrary a false case was foisted against the petitioner and his family members under Sections 107 of Cr.P.C.

3. It is also submitted by the learned counsel for the petitioner that for the incident that took place on 21.04.2019, representation dated 10.05.2019 was sent to the higher authorities reporting dereliction of duty by the police attached to the Kulachal police station. In spite of the representation made, no action was taken, hence the present writ petition has been filed on 10.06.2019.

4. After filing the Writ Petition, the police has registered a case in Crime No.136 of 2019 on 12.06.2019 and without proper investigation has closed the complaint as 'Mistake of Fact'. The said closure report was also not communicated to the petitioner herein for further action.

5. This Court to verify the said averment called for the CD file and found that the statement of the learned counsel for the petitioner that the complaint closed as 'Mistake of Fact' on 14.09.2019 is correct and there is no acknowledgement to indicate that the defacto complainant was communicated about the closure report.

6. Hence after perusal of the CD file, this Court directs the fourth respondent police to communicate the closure report to the petitioner herein and on receipt of the same, the petitioner herein shall workout his remedy by filing protest petition and proceed further in accordance with law.

7. With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



To

1. The Director General of Police
No.1, Dr.Radhakrishnan Salai,
Mylapore, Chennai.
2. The Superintendent of Police
Office of the Superintendent of Police,
Nagercoil Town
Kanyakumari District.
3. The Assistant Superintendent of Police
Office of the Assistant Superintendent of Police,
Kulachal, Kanyakumari District.
4. The Inspector of Police
Kulachal Police Station
Kanyakumari District

+1 CC to M/s.NIRANJAN S KUMAR, Advocate (SR-2497[F] dated
25/01/2022)

W.P (MD) No.13180 of 2019
25.01.2022

MGJ(08.03.2022) 3P 6C