



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on :21.01.2022

Delivered on :28.01.2022

CORAM

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

W.P.(MD)No.13623 of 2019

and

W.M.P.(MD)No.10174 of 2019

WEB COPY

A.Vasanth Leela

... Petitioner

Vs.

1.The Principal Secretary to Government, .
Government of Tamil Nadu,
Home Department,
Fort St. George,
Secretariat, Chennai - 600 009.

2.The Director General of Police,
O/o. the Director General of Police,
No.1, Dr.Radhakrishnan Road,
Mylapore, Chennai - 600 004.

3.The Superintendent of Police,
O/o. the Superintendent of Police,
Dindigul.

4.The Inspector of Police,
Town Police Station, Dindigul.

5.Mr.Kumaresan,
Inspector of Police,
Town West Police Station, Dindigul.

6.Mr.Thamaraikkannan,
Sub-Inspector of Police,
Town West Police Station, Dindigul.

7.Mr.V.Krishnapandi

... 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 to 4 to take appropriate action against the respondents 5 and 6 by considering the petitioner's representation dated 10.06.2019 and provide adequate compensation.

For Petitioner

: Mr.S.M.A.Jinnah

For R1 to R4

: Mr.P.Kottaichamy
Government Advocate
(Criminal side)



ORDER

This Writ Petition is filed under Article 226 of the Constitution of India by the mother of one Yovel Prabakar, seeking Mandamus to direct the respondents 1 to 4 to take appropriate action against the respondents 5 and 6 on considering her representation dated 10.06.2019 and provide her adequate compensation for the illegal act of the respondents 5 and 6.

2.The petitioner herein is the mother of Yovel Prabakar, who was interrogated by the respondents 5 and 6 in connection with a girl missing case registered by the Town Police, Dindigul, on 14.04.2019, based on the complaint given by one Krishnapandi, the father of the missing girl. In the Writ Petition, the petitioner has alleged that the Inspector of Police and the Sub-Inspector of Police, who are arrayed in their individual capacity as respondents 5 and 6, threatened her son that they will foist false case against him and assaulted him causing severe injuries all over his body. Her son was admitted in Samvijaya Maruthuvalaya Hospital, in Dindigul, for the injury. Since her son was subjected to illegal torture and harassment, which violates the fundamental rights of citizen, the present Writ Petition is filed seeking Mandamus to take appropriate action against the Police officials, who have used force on her son and compensate for the said violation of human right.

3.The fourth respondent has filed status report, wherein it is stated that on 14.04.2019, based on the complaint given by one Krishnapandi stating that her daughter Preethika, aged 27 years, working in HDFC Bank, Dindigul, had affairs with one Sekar and when the same came to their knowledge, they arranged for her marriage with Sekar and fixed the date for the marriage. While so, his daughter left home in a two wheeler bearing Registration No.TN-57-BE-8037, informing him that she is going to Dharapuram to attend the Office meeting. But, she did not return home that evening and when enquired with the Bank staff, they informed him that there was no meeting held at Dharapuram. The two wheeler of his daughter was later traced near R.M. Colony tea shop, 80 feet road. The cell phone of his daughter was switched off and it was in the two wheeler.

4.Based on this complaint, the call details of the missing girl was obtained and based on the call details, the persons who were in contact with the missing girl were interrogated. Yovel Prabakar was one such person, who had come in contact with the missing girl and therefore, he was called for enquiry and his statement under Section 161(3) of Cr.P.C. was recorded on 17.04.2019.

5.The investigation revealed that the missing girl and Ramalingam @ Sekar were in love for the past 10 years. Yovel Prabakar [son of the petitioner], Vinoth, Prabhu and Dineshkumar

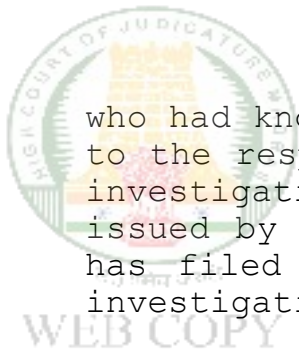


were friends of Ramalingam @ Sekar and they were aware of the affair between Ramalingam @ Sekar and the missing girl. On 13.04.2019 Ramalingam @ Sekar along with his friends decided to visit Ayyapan Temple and the son of the petitioner had contacted the missing girl at 03.48 a.m. over his mobile phone and spoke with the missing girl for 16 seconds. He has driven Santro Car bearing Registration No.TN-20-J-1111 to Dindigul bus stand at 05.10 a.m. and parked his car and picked up the missing girl in a two wheeler bearing Registration No.TN-57-BE-8037 and took the two wheeler and parked it near the two wheeler stand. He has taken the girl in a Car belonging to Dineshkumar to the Irumudi function and he had been with the missing girl till 10.47 a.m. The CCTV footage collected in the course of investigation confirmed that the son of the petitioner Yovel Prabakar took the two wheeler of the missing girl to R.M. Colony, 80 feet road and left it near the Ayyappan Tea Stall and thereafter, called his friend one Venkatachalam over his cell phone to pick up him and drop him at Ayyappan Mani Mandapam.

6.Yovel Prabakar, who knows the whereabouts of the missing girl, had not informed her parents or to the Police. Only from the call details particulars and CCTV footage, the Police came to know about the fact. In spite of summoning him for several days, he did not disclose the truth until he was confronted with the CCTV footage. The missing girl could not be located since Yovel Prabakar suppressed the vital information about her movement. While the fact being so, in order to save her son, who is a suspect in the case of missing girl, the present Petition is filed by the mother, making wild allegations against the respondent Police.

7.This Court at the first instance unable to appreciate the fact why the mother has filed this Writ Petition when her son Yovel Prabakar is a major and has no explicit incapacity to come before this Court, file a sworn statement by way of an affidavit and tell the truth. Secondly, the medical certificate alleged to have been given by Samvijaya Maruthuvalaya, dated 11.06.2019, is not a certificate worth to be considered as a medical certificate by a competent Doctor. The Certificate, which is in manuscript annexed along with the Typed Set of Papers states that contusion injury over minor part of both thighs and left shoulder. In the representation dated 10.06.2019, the petitioner has alleged that on 09.06.2019 her son was assaulted by the Inspector and Sub-Inspector of Police attached to the Town West Police Station, Dindigul. The alleged medical certificate is dated 11.06.2019. In the affidavit, the petitioner says that her son was admitted in the Hospital for treatment. Whereas, the certificate does not indicate Yovel Prabakar was admitted in the Hospital or treated for the injury.

8.This Court always be sensitive about the Police excess and come down heavily whenever evidence is available to show that the Police had used excess force leading to violation of human rights. In the present case, it is clear that the son of the petitioner,



who had knowledge about the missing girl, had not disclosed the fact to the respondent Police in spite of summoning him in the course of investigation. By producing a document as if the wound certificate issued by the Doctor, by name, T.Sam Elango, the petitioner herein has filed the Writ Petition and put spokes in the wheels of the investigation of a girl missing case.

9. Therefore, this Court holds that there is no material to show that the Police has exercised excessive power while interrogating the son of the petitioner. Hence, this Writ Petition is dismissed as devoid of merits. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (T&P)

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Sub Assistant Registrar(CS)

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To

1. The Principal Secretary to Government, .
Government of Tamil Nadu,
Home Department,
Fort St. George,
Secretariat, Chennai - 600 009.

2. The Director General of Police,
O/o. the Director General of Police,
No.1, Dr.Radhakrishnan Road,
Mylapore,
Chennai - 600 004.

3. The Superintendent of Police,
O/o. the Superintendent of Police,
Dindigul.

4. The Inspector of Police,
Town Police Station,
Dindigul.

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

W.P. (MD) No.13623 of 2019
28.01.2022

MGJ(11.02.2022) 4P 6C

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