



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.03.2022

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P. (MD)No.14109 of 2020

and

W.M.P. (MD)No.11763 of 2020

Selventhiran

...Petitioner

/Vs./

- 1.The Home Secretary,
Secretary to Government,
Chennai-600 001.
- 2.The Director General of Police,
DGP Office, Radhakrishnan Salai,
Chennai-600 004.
- 3.Additional Director General of Police,
CBCID, Guindy Industrial Estate,
Chennai-600 032.
- 4.The Superintendent of Police,
Sivagangai District, Sivagangai-630 562.
- 5.The Commissioner of Police,
Madurai City, Madurai-625 001.
- 6.The Inspector of Police,
Thiruppachethi Police Station,
Sivagangai District-630 610.
- 7.The Inspector of Police,
K.Pudur Police Station,
Madurai District-625 007.
- 8.Srinivasan

...Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus, directing the concerned respondents to pay adequate compensation for illegal custody with torture to the petitioner from 10.09.2020 to 14.09.2020 and for implication of the three false cases in Crime No.1936 of 2020, dated 19.08.2020, Crime No.1978 of 2020, dated 24.08.2020 and in Crime No.1987 of 2020, dated 25.08.2020 on the file of the 7th respondent Police Station, consequently, direct to take legal with disciplinary action against the concerned erring police officials.



For Petitioner: Mr.R.Senthilkumar
For R1 to R7 : Mr.T.Senthil Kumar,
Additional Public Prosecutor.

ORDER

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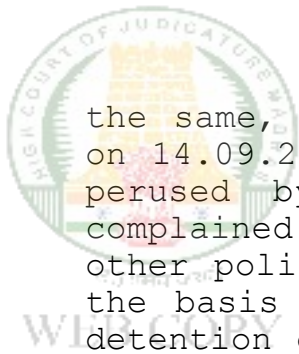
This Writ Petition has been filed, seeking for compensation for the alleged illegal custody of the petitioner for the period from 10.09.2020 to 14.09.2020.

2.It is the case of the writ petitioner that on 10.09.2020, some police men entered into the house of the petitioner and took him to the unknown place and kept him under illegal custody, thereafter he was remanded to the judicial custody on 14.09.2020 for the various offences including Sections 379 and 414 of I.P.C. The further contention of the petitioner is that on 10.09.2020 itself his mother has given a complaint to the Thiruppachethi Police Station. Therefore, the same itself indicates that the petitioner was in illegal custody till his remand. Therefore, he seeks compensation.

3.Whereas the learned Additional Public Prosecutor appearing for the official respondents submitted that the petitioner was arrested on the basis of three First Information Reports pending against the petitioner and other four accused. They were arrested on 14.09.2020 and remanded to the judicial custody. If the petitioner was detained under illegal custody, he would have informed the same to the learned Magistrate, when he was enquired. However, no complaints whatsoever made against the police at the time of remand. He further submitted that the First Information Reports have been registered in the month of August and while searching the various accused, these type of allegations have been pressed into service, hence, submitted that absolutely there is no evidence to show the illegal custody.

4.I have perused the entire materials. The petitioner relates mainly the representation and complaint said to have been given by his mother on 10.09.2020 and also on 26.09.2020. It is relevant to note that the First Information Reports have been registered on 19.08.2020, 24.08.2020 and 25.08.2020 for the various offences of chain snatching, lifting up two wheelers. Normally, in these type of First Information Reports, the accused's name would not be known. Only during the investigation, the accused name would be known and on the disclosure made by some other accused, arrest would be effected. From 19.08.2020 onwards, the police was on search of the accused.

5.Such contention, as if the petitioner has been taken under illegal custody, also cannot be hold good. If really the petitioner



the same, while remanding the petitioner by the learned Magistrate on 14.09.2020. The remand report available in the CD file is also perused by this Court, wherein except A1, others have never complained anything about any torture or illegal detention by any other police. Therefore, this Court is of the view that merely on the basis of some representation said to have been given, illegal detention cannot be presumed. If any such statement is made before the learned Magistrate, then certain proof is required for such alleged illegal detention, whereas no such statements have been made.

6.In such view of the matter, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

/TRUE COPY/

/ /2022
Sub Assistant Registrar(CS)

Myr

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 Home Secretary,
Secretary to Government,
Chennai-600 001.
- 2.The Director General of Police,
DGP Office, Radhakrishnan Salai,
Chennai-600 004.
- 3.Additional Director General of Police,
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Madurai City, Madurai-625 001.



6.The Inspector of Police,
Thiruppachethi Police Station,
Sivagangai District-630 610.

7.The Inspector of Police,
K.Pudur Police Station,
Madurai District-625 007.

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

W.P. (MD) No.14109 of 2020
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MK/10.03.2022/4P/9C