



W.P(MD)No.14595 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Reserved on	08.07.2022
Delivered on	27.07.2022

CORAM :

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P(MD)No.14595 of 2022

V.Arumainayagam

...Petitioner

Vs.

1.The Director General of Police,
Marina Salai,
Chennai – 600 002.

2.The Inspector General of Police,
South Zone,
Madurai.

3.The Superintendent of Police,
Tenkasi District,
Tenkasi.

4.Manoharn
Inspector of Police,
Sivagiri Police Station,
Tenkasi District.

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents 1 to 3 to initiate appropriate proceedings against the 4th respondent and protect the life and liberty of the petitioner on the basis of representation submitted by the petitioner dated 16.12.2021.

For Petitioner : Mr.R.R.Kannan
For Respondents : Mr.M.Sakthikumar
Government Advocate (crl.side)

ORDER

This writ petition is filed seeking for issuance of a Writ of Mandamus directing the respondents 1 to 3 to initiate appropriate proceedings against the fourth respondents and protect the life and liberty of the petitioner on the basis of the petitioner's representation dated 16.12.2021.

2. The petitioner is being agricultural work at Keelapidagai village, Vadakarai, Sengottai Taluk, Tenkasi District. He purchased the agricultural land from K.M.Salman Paris and S.Fathima Beevi by way of a registered sale deed dated 13.01.2014. From the date of purchase, he is



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in possession and enjoyment of the same. His adjacent land owner Chandran disturbed his possession and enjoyment and preventing his pathway right. Hence, the petitioner filed a suit in O.S.No.57 of 2018 before the District Munsif Court, Shencottai and obtained interim injunction in I.A.No.238 of 2018. Hence, the adjacent land owner Chandran gave a false complaint against this petitioner before the Achampdur Police Station and the same was registered in Crime No.38 of 2019. In the said case, the petitioner is the first accused and his cousin is the second accused and his son, by name, Arun is the third accused. The fourth respondent arrested the petitioner and remanded to the judicial custody. After investigation, the fourth respondent filed final report and the case has been taken on file as C.C.No.129 of 2019 by the Judicial Magistrate, Shencottai. To quash the said proceedings, he filed the petition in CrI.O.P(MD)No.16692 of 2019. At the time of hearing, the learned Additional Public Prosecutor submitted that there are nine previous cases are pending against the petitioner. Recording the submission of the learned Additional Public Prosecutor, this Court dismissed the quash petition. However, the case in C.C.No.129 of 2019 ended in acquittal. Thereafter, the fourth respondent continuously threatened the petitioner and extracted money. Hence, he gave online



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complaint against the fourth respondent to the third respondent and the Home Department. Since no action was taken, he filed the present writ petition with the relief as stated supra.

3. The learned Government Advocate (criminal side) appearing for the respondent police submitted that now, the fourth respondent was not working at Shencottai Police Station. Further, the petitioner is having so many cases. In Crime No.38 of 2019, charge sheet in C.C.No.129 of 2019 has been filed by the fourth respondent. Hence, in order to wreck vengeance, the petitioner sent the complaint to the several authorities against the fourth respondent. He further submitted that since there is no merit in this petition, it has to be dismissed.

4. I have considered the matter in the light of the submission of the learned counsel for the petitioner and the learned Government Advocate (criminal side).

5. On perusal of the available records, it reveals that the petitioner is an accused in C.C.No.129 of 2019 and the case was registered by the fourth respondent/Inspector of Police and prosecuted by



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him. Further, the petitioner is having 9 criminal cases, which is not disputed. Further, the allegation that the fourth respondent continuously threatened the petitioner and extracted money from him, is not supported with any materials. The allegation against the fourth respondent in the affidavit is not sufficient to substantiate the claim of the petitioner. In the absence of sufficient materials against the fourth respondent, this Court cannot direct the respondents 1 to 3 to initiate proceedings against the fourth respondent. I find no merits in this petition.

6. In view of the above, this Writ Petition is dismissed.

27 .07.2022

Index :Yes/No

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



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V.SIVAGNANAM., J

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