



WP(MD)No.16203 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.07.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE M.S.RAMESH**

W.P.(MD)No.16203 of 2022

Anton Xavier Vinister

... Petitioner

/vs./

- 1.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai.
- 2.The Inspector General of Police,
South Zone,
Madurai.
- 3.The Superintendent of Police,
Tirunelveli District.
- 4.The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.
- 5.The Inspector of Police,
Radhapuram Police Station,
Tirunelveli District.
- 6.Mr.John Britto,
The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.



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7.The Sub-Inspector of Police,
Radhapuram Police Station,
Tirunelveli District.

8.Esakkiappan,
Grade – II Police,
Radhapuram Police Station,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 3 to initiate appropriate departmental proceedings against the respondents 6 to 8 for abusing their official capacity by fabricating forged documents to register a false case against the petitioner in Cr.No.187 of 2021 on the file of 5th respondent by considering the petitioner's representation dated 02.07.2022 and to pass orders more particularly within a time frame as may be stipulated by this Court.

For Petitioner : Mr.P.T.Ramesh Raja
for Mr.Pon Karthikeyan

For Respondents : Mr.M.Siddharthan
Additional Government Pleader (For R1 to R5)

ORDER

The prayer in the present writ petition is for a direction to the respondents 1 to 3 to initiate departmental proceedings against the Inspector of Police, Sub



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Inspector of Police and Grade-II Police Constable, who have been arrayed as respondents 6 to 8 herein. The grievance of the petitioner is that based on certain forged documents, the petitioner was detained under Act 14 of 1982.

2.The issue as to whether the respondents 6 to 8 have misused their official capacity and fabricated certain documents for the purpose of registering a false complaint, requires to be first established through Forensic Department or a Court of law.

3.A mere apprehension that these documents are forged may not give rise to a cause of action to the petitioner to seek for a direction the respondents to initiate departmental action against the police officials. In the absence of such documents to establish that these police officials have fabricated / forged certain documents, it could be said that the respondents 6 to 8 were only acting in exercise of their official capacity.

4.In the absence of any cause of action, I am of the view that the petitioner has not made out a case for the purpose of directing the respondents 1 to 3 to



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initiate action against the respondents 6 to 8. Hence, this writ petition stands dismissed. There shall be no order as to costs.

25.07.2022

Index : Yes / No
Internet : Yes / No
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M.S.RAMESH, J.

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Order made in
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Dated:
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