



WP(MD)No.18321 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 06.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P. (MD)No.18321 of 2014

Arumugam : Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Sivagangai District,
Sivagangai.

2.The Revenue Divisional Officer,
Sivagangai Sub Division,
Sivagangai.

3.The Inspector of Police,
SIPCOT Police Station,
Manamadurai,
Sivagangai District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Mandamus directing the respondents 1 to 3 to delete the petitioner's name from the KD Register in No.1/2013 at SIPCOT Police Station and consequently, to pay to the petitioner compensation of a sum of Rs.3,00,000/- (Rupees Three Lakh only).



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WP(MD)No.18321 of 2014

For Petitioner : Mr.Mahaboob Athiff
Legal Aid Counsel

For Respondents : Mr.T.Senthilkumar,
Additional Public Prosecutor

ORDER

The petitioner has filed this writ petition seeking a direction to the respondents to delete his name from the KD register in No.1 of 2013 at SIPCOT Police Station. He also sought for a direction to pay him a sum of Rs.3,00,000/- as compensation for the harassment faced by him at the hands of the respondents.

2.According to the petitioner, he is running a mechanic shop and on 02.08.2010, at around 10.00 pm, one Mr.S.Muthuramalingam, then Sub-Inspector of Police asked him to repair his punctured motorcycle. Since it was night hours and the petitioner has already closed the shop, he expressed his inability. Irritated over the same, the said Muthuramalingam, on 24.08.2010 around 12.30 noon, when the petitioner was riding in his bike, stopped him, took the key and asked him to come and collect the key at the



WP(MD)No.18321 of 2014

station. On the next day, when the petitioner went to the police station for collecting the key, the police officials harassed him and assaulted without any reason. They also held him in the lock-up without any reason. On the same day, in the night hours, they left him after getting signatures in some white papers.

3. Thereafter, the petitioner took treatment at Government Hospital, Manamadurai; Government Hospital, Sivagangai; and Meenakshi Mission Hospital and Research Centre, Madurai from 26.08.2010 to 30.08.2010. He also made several representations as against the concerned police officials, however, no action was contemplated. Therefore, he has lodged a private complaint before the learned Judicial Magistrate, Manamadurai, in Cr.M.P.No.8481 of 2010, dated 26.11.2010. The said case is pending trial and on knowing about the complaint, the police officials tried to influence him to withdraw the complaint. Since the petitioner resisted, they foisted false cases as against him and also opened a history sheet, as if he is a rowdy element. Hence, this writ petition.



WP(MD)No.18321 of 2014

4.Learned Counsel for the petitioner, during the course of hearing, withdrew his appearance and despite the same, the petitioner neither appeared in person nor represented by anyone. Therefore, this Court by order dated 05.07.2021 appointed Mr.M.Mahaboob Athiff, learned Counsel as Legal Aid Counsel to represent the petitioner.

5.Learned Legal Aid Counsel appearing for the petitioner submitted that for having filed the private complaint, the petitioner has been roped-in as an accused in Cr.No.183 of 2012 for the offence under Sections 147, 148, 294(b), 324, 307 IPC and in Cr.No.52 of 2013 for the offence under Sections 147, 148, 294(b), 342, 327, 324, 427, 506(ii) IPC, on the files of the SIPCOT Police Station. However, in both the cases, the petitioner has been acquitted and even then, the history sheet opened as against the petitioner in the year 2013 was not reviewed by the respondents.

6.Learned Additional Public Prosecutor appearing for the respondents, by relying upon the counter affidavit, denied the allegations levelled by the petitioner and



WP(MD)No.18321 of 2014

submitted that the petitioner has involved in four cases as follows:-

a) Manamadurai Police Station Cr.No.348 of 2010, u/s 75 of Madras City Police Act;

b) Manamadurai Police Station Cr.No.183 of 2012, u/s 147, 148, 294(b), 324, 307 IPC;

c) SIPCOT Police Station Cr.No.52 of 2013, u/s 147, 148, 294(b), 342, 323, 324, 427, 506(ii) IPC; and

d) SIPCOT Police Station Cr.No.150 of 2013, u/s 107 Cr.P.C.

In view of the antecedents of the petitioner, history sheet was opened as against him. However, the same was closed on 22.07.2021, by proceedings of the Deputy Superintendent of Police, Manamadurai, dated 22.07.2021.

7.He further submitted that insofar as the private complaint in Cr.M.P.No.8481 of 2010 is concerned, the same was taken on file in PRC.No.5 of 2013 by the learned Additional District Munsif cum Judicial Magistrate, Manamadurai and since the case includes the offence under the SC / ST Act, it was tried by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under



WP(MD)No.18321 of 2014

SC / ST (POA) Act, 1989, Sivagangai, in Spl.SC.No.1 of 2017. The learned Judge, after full fledged trial, by judgment dated 28.12.2020, acquitted the accused therein from the charges levelled.

8.Heard the learned Counsel appearing for the respective parties and perused the available materials.

9.The relief sought for by the petitioner in this writ petition is of two folds. One is for a direction to close the history sheet and the another is for compensation of a sum of Rs.3,00,000/- for the harassment faced at the hands of the respondent police. According to the learned Additional Public Prosecutor, the history sheet has already been closed and therefore, nothing survives. Insofar as the compensation for harassment is concerned, it appears that the private complaint lodged by the petitioner in Cr.M.P.No.8481 of 2010, ended in acquittal, vide judgment dated 28.12.2020, in Spl.SC.No.1 of 2017. Under such circumstances, this Court is not inclined to order for any compensation, however, liberty is granted to the petitioner to challenge the judgment of acquittal dated 28.12.2020 in



WP(MD)No.18321 of 2014

the manner known to law and depending upon its outcome, it is always open to the petitioner to claim for compensation, in accordance with law.

10.This Court places its appreciation to Mr.Mahaboob Athiff, learned Legal Aid Counsel for his assistance and the Legal Aid Authority is directed to pay a sum of Rs.10,000/- (Rupees Ten Thousand only) as remuneration to the learned Legal Aid Counsel.

In the result, this writ petition stands disposed of.
No costs.

Index : Yes / No
Internet : Yes
gk

06.07.2022

To

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Sivagangai District,
Sivagangai.
- 2.The Revenue Divisional Officer,
Sivagangai Sub Division,
Sivagangai.



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3.The Inspector of Police,
SIPCOT Police Station,
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WP (MD) No.18321 of 2014

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W.P. (MD) No.18321 of 2014

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