



WEB COPY



W.P(MD)No.21880 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.10.2022

CORAM :

THE HON'BLE MR.JUSTICE **SATHI KUMAR SUKUMARA KURUP**

W.P(MD)No.21880 of 2022

Irulesh

...Petitioner

Vs.

- 1.The Director General of Police,
Dr. Radhakrishnan Salai,
Mylapore, Chennai.
- 2.The Deputy Inspector General of Police,
Ramanathapuram District.
- 3.The District Superintendent of Police,
Ramanathapuram District.
- 4.Malaichamy
- 5.Amman Jhothi

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the first to third Respondents to conduct the enquiry in registering the false case against the Petitioner in Cr.No.202 of 2022 on the file of the fourth Respondent Police Station based on the Petitioner's representation dated 30.08.2022 and CCTV footage of occurrence place recorded in fifth Respondent's premises.



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For Petitioner : Ms.B.Mahndrarajan
For Respondents : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

ORDER

The Petitioner has filed the above Writ Petition to issue a Writ of Mandamus, directing the first to third Respondents to conduct the enquiry in registering the false case against the Petitioner in Cr.No.202 of 2022 on the file of the fourth Respondent Police Station based on the Petitioner's representation dated 30.08.2022 and CCTV footage of occurrence place recorded in fifth Respondent's premises.

2.Heard the learned Counsel for the Petitioner and the learned Additional Public Prosecutor appearing for the Respondents.

3.The learned Counsel for the Petitioner submits that the Petitioner alleged to have gone to the petrol pump to fill the petrol along with his friend. At that time, they were unable to transfer the money through online money transfer application (i.e Google Pay). Therefore, there was a wordy quarrel between the friend of the Petitioner and the staff of the petrol pump. Subsequently, on 21.08.2022, when they had gone to the petrol pump to fill the petrol in the two wheeler, the staff of the petrol pump entered into quarrel with the friend of the Petitioner, based on which, the A1 was arrested. Based on the



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confession of A1, the Petitioner herein was also arrested. It is the submission of the learned Counsel for the Petitioner that the Petitioner was not at all involved in any of the offences as alleged. Merely, on the basis of the statement obtained from the A1, the Petitioner was arrested. Subsequently, the Petitioner was granted bail in CrI.M.P.No.4804 of 2022. Therefore, the Petitioner seeks to call for an enquiry against the Respondents 1 to 3, regarding implicating the Petitioner falsely in a criminal case.

4.The learned Additional Public Prosecutor objects to the submissions of the learned Counsel for the Petitioner stating that the Investigation Officer had collected sufficient materials which incriminate the Petitioner herein. As per the History Sheet No.06 of 2022 dated 12.10.2022 maintained by the fourth Respondent, the Petitioner is alleged to have been arrested for the offences under Section 302 of IPC. Therefore, the learned Additional Public Prosecutor seeks to dismiss this petition as not at all maintainable.

5.Further, the learned Additional Public Prosecutor also furnished the list of cases pending against the Petitioner herein. As per the above, seven cases are pending against the Petitioner. Therefore, he seeks to dismiss this petition.



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6.Considering the submissions of the learned Counsel for the Petitioner and considering the objection of the learned Additional Public Prosecutor and also the fact that the learned Additional Public Prosecutor furnished the list of cases, about seven cases pending and history sheet is also maintained against the Petitioner herein. Hence, this is not a fit case for ordering or directing the Respondents 1 to 3 to hold the enquiry.

7.In the light of the above, this Writ Petition is dismissed.

26.10.2022

Index : Yes / No
Internet : Yes / No
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To

- 1.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai.
- 2.The Deputy Inspector General of Police,
Ramanathapuram District.
- 3.The District Superintendant of Police,
Ramanathapuram District.



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SATHI KUMAR SUKUMARA KURUP, J.

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