



W.P(MD)No.21929 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:29.09.2022

CORAM :

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

W.P(MD)No.21929 of 2022

M.Senthil

... Petitioner

Vs

1. The Superintendent of Police,
O/o of the Superintendent of Police,
Virudhunagar District,
Virudhunagar.
- 2.The Inspector of Police,
Rajapalayam South Police Station (Crime),
Rajapalayam,
Virudhunagar District.
- 3.Mr.Mannavan,
The Inspector of Police,
Rajapalayam South Police Station(Crime),
Rajapalayam,
Virudhunagar District.
- 4.Mr.Suresh,
The Sub-Inspector of Police,
Rajapalayam Police Station (Crime),
Rajapalayam,
Virudhunagar District.

5.Iyyanar

6.Selvaraj

... 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 first respondent to take appropriate action against the respondents 2 to 5 for their illegal activities and consequently restraining them from compelling the petitioner to agree alleged offence of theft and pass suitable orders in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.T.Thirumurugan
For R1 To R4 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor
For R6 : Mr.R.Ilayaraja

ORDER

This writ petitioner filed this Writ Petition seeking issuance of a Writ of Mandamus, directing the first respondent to take appropriate action against the respondents 2 to 5 for their illegal activities, on the basis of the representation that was made by the petitioner, on 09.09.2022, and consequently restraining them from compelling the petitioner to agree the alleged offence of theft.

2.The sixth respondent was running a textile shop namely, 'Selvarani Ready-mates'. The petitioner is an ex-employee of the sixth respondent herein. It is alleged that theft occurred in the above said shop.



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Over which, complaint was also given. For enquiry, he was taken to the police station and throughout the day, he was kept in illegal custody. Further, the respondent police made harassment to admit the guilt. On that ground, he sent a representation to the first respondent seeking action against the above respondents 2 to 5. Since there was no proper response, this petition has been filed.

3.The learned counsel for the petitioner would submit that CCTV footage was available in the ready-made shop and that was not recovered so far. He was unnecessarily harassed by the respondents 2 to 5.

4.The learned counsel for the sixth respondent would submit that based upon the theft, complaint was lodged by him on 22.08.2022 and FIR was registered on 03.09.2022 in Crime No.259 of 2022. On the basis of the above said theft occurrence all the employees were called by the respondent police. After the above said theft occurrence, the petitioner has stopped to come to the shop and his conduct was also suspicious. One time, he appeared before the respondent police and thereafter, he filed this petition and sent a representation by making allegation against the police officials.



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5.The learned Additional Public Prosecutor would submit that on the basis of the complaint, summon was issued to him. He has appeared once. Not only the petitioner, the other employees also enquired. Without co-operating with the respondent police, he approached this Court.

6.It appears that it is the duty of the respondent to investigate the crime that has been reported. Unless the petitioner is enquired, truth will not come out. Simply because enquiring the petitioner, does not mean harass him.

7.Let the petitioner appear before the respondent police and co-operate with them to complete the process of enquiry. If any trouble arises in the course of investigation, he may work out his remedy through appropriate proceedings.

8. With the above said liberty, this writ petition is dismissed. No cost.

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Index :Yes/No
Internet:Yes/No
dss



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To

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2. The Inspector of Police,
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3. Mr. Mannavan,
The Inspector of Police,
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Rajapalayam,
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4. Mr. Suresh,
The Sub-Inspector of Police,
Rajapalayam Police Station (Crime),
Rajapalayam,
Virudhunagar District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN, J.,

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