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W.P.No.20488 of 2008

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

W.P.No.20488 of 2008

S.BALAMURUGAN
GENERAL SECRETARY
PEOPLES UNION FOR CIVIL LIBERTIES -
TAMIL NADU & PUDUCHERRY
HUSSAINA MANZIL, III FLOOR
255, ANGAPPA NAICKEN STREET
CHENNAI - 1.

.. Petitioner

Vs

- 1 THE STATE OF TAMIL NADU
REP. BY ITS SECRETARY
HOME DEPARTMENT
FORT ST.GEORGE, CHENNAI-9.
- 2 THE COMMISSIONER OF POLICE
EGMORE, CHENNAI-8.
- 3 THE INSPECTOR OF POLICE
R-1, POLICE STATION
T.NAGAR, CHENNAI - 17.
- 4 THE STATE OF TAMIL NADU
REP. BY ITS SECRETARY, PUBLIC DEPARTMENT
FORT ST.GEORGE, CHENNAI-9.

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus to call for the records of the 3rd Respondent and quash the Tamil Nadu Police Standing Order 151 and consequently direct the respondents to ensure the immediate registration of First Information Reports and investigation by the Special Investigation Teams constituted under the Protection of Human

Rights Act, 1993 and speedy prosecution in all cases of custodial death, torture, rape and all custodial violence, including in respect of the torture and grievous injury suffered by one Arun Kumar at the hands of the then Inspector of the III Respondent Police Station as stated in his complaint dated 18.9.2007 to the second respondent, award a compensation of Rs.10 lakhs to Arun Kumar the torture victim.

For the Petitioner : Dr.V.Suresh

For the Respondents : Mr.P.Kumaresan
Additional Advocate General
assisted by
Mr.U.Baranidharan
Additional Govt. Pleader

ORDER

(Order of the court was made by the Hon'ble Chief Justice)

We have heard Dr.V.Suresh, learned counsel for the petitioner, and Mr.P.Kumaresan, learned Additional Advocate



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General, assisted by Mr.U,Baranidharan, learned Additional Government Pleader, for the respondents.

2. The present petition espouses a public cause. The present petition has brought to light the torture meted out to one G. Arun Kumar in the custody of the police officers. The petition prays for compensation and taking criminal action against the erring officials.

3. An affidavit is filed by the fourth respondent. Paragraphs 7 and 8 of the affidavit read thus:

"7. It is respectfully submitted that the based on the recommendation of the District Collector, Chennai the Government have issued orders in G.O.(Ms.)No.682, Public (Law & Order-E) Department dated 10.08.2017 sanctioning a compensation amount of Rs.5.00 lakh to Thiru G.Arunkumar, T.Nagar, Chennai and directed the Director General of Police, Chennai-4 to take Departmental and Criminal Action against the six



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erred Police Officials and also to recover the compensation amount from the salaries and retirement benefits of them acquitting one police person namely Thiru Thirugnanam, as he was expired.

8. It is respectfully submitted that the District Collector, Chennai has reported that the compensation amount of Rs.5.00 lakh was disbursed to Thiru G.Arun Kumar and sent the acknowledgment for the receipt of the said amount to the Government vide his letter dated 13.4.2018. The Departmental and Criminal action taken against the erred police personnel is being taken by the Director General of Police, Chennai-4."

4. The compensation of Rs.5 lakhs was disbursed to G.Arun Kumar (victim) and the acknowledgment for the receipt of the said amount has been sent vide letter dated 13.4.2018.

5. It is further stated that the District Collector, Chennai,



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has issued the Government Order sanctioning the amount of Rs.5 lakhs and also directing to take departmental and criminal action against the six erring police officers and to recover the compensation from their salaries and retiral benefits. Action has not been taken against one Thirugnanam, who has already expired.

6. It also appears that the law enforcement machinery is moving at a snail's pace. The incident is of the year 2006. As yet, the departmental enquiry is not concluded, nor any criminal action is taken. In matters of such nature, it is expected that the respondents act responsibly and take stern action against the erring officials. The compensation amount is also paid in the year 2017/2018, after about 12 years. The laxity on the part of the respondents cannot be appreciated. On the contrary, the same needs to be deprecated.

7. The respondents are now expected to complete the



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enquiry and take up the criminal or other proceedings expeditiously. In all such matters, the respondents are directed to act without delay.

With these observations, the writ petition stands disposed of. There will be no order as to costs.

(S.V.G., CJ.)

(P.D.A., J.)

12.06.2023

Index : Yes/No
Neutral Citation : Yes/No
sasi

To:

- 1 THE SECRETARY
STATE OF TAMIL NADU
HOME DEPARTMENT
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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESSAVALU,J.

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