



WEB COPY



WP.No.2788 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

WP.No.2788 of 2023

Kantharaj

... Petitioner

Vs.

The State of Tamil Nadu
Represented by its Secretary
Home Department,
Fort St.George, Chennai - 9.

2.The Director General of Police,
Tamil Nadu Circle,
Mylapore, Chennai -4.

3.The Superintendent of Police,
Krishnagiri District, Krishnagiri.

.. Respondents

PRAYER : Writ Petition filed under Section 226 of the Constitution of India praying to issue a writ of mandamus to direct the respondents 1 to 3 to hold enquiry under Section 151 PSO by independent Judicial Officer, Krishnagiri to unearth the torture inflicted on the petitioner, by considering the representation of the petitioner dated 22.01.2023 on the file of the respondents herein.

For Petitioner : Mr.R.Sankarasubbu

For Respondents : Mr.S.Santhosh, Govt. Advocate for RR 1 to 3



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ORDER

This writ petition is filed to direct the respondents 1 to 3 to hold enquiry under Section 151 PSO by independent Judicial Officer, Krishnagiri to unearth the torture inflicted on the petitioner, by considering the representation of the petitioner dated 22.01.2023.

2. The learned counsel for the petitioner submitted that the petitioner was tortured by one Ganesh Babu-Sub Inspector, Shankar-SSI and Balakrishnan-Inspector attached to SIPCOT Police Station, Thangavelu-Inspector and Vinoth-Sub Inspector attached to Hudco Police Station. They inflicted unbearable torture to the petitioner on various occasions. Therefore, the petitioner gave a complaint before the State Human Rights Commission, Chennai in SHRC.No.6949 of 2020. Thereafter, the police have foisted three false case against the petitioner and he was taken to illegal custody from 28.06.2021 to 30.06.2021 to prevent him from deposing before the Judicial Magistrate No.II, Hosur in Cr.MP.No.1417 of 2021 petition filed under Section 200 r/w.156(3) Cr.PC.



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3. On 30.06.2021, the petitioner was produced before the Judicial Magistrate No.II, Hosur at 8.00pm. Before the Magistrate, the petitioner narrated the alleged tortures suffered by him and details of the false cases in (i)SC.No.238 of 2022 in Cr.No.189/2021 on the file of the Additional District and Sessions Judge, Krishnagiri, (ii)Cr.No.64 of 2018 on the file of Shoolagiri Police Station and (iii)Cr.No.189 of 2001 on the file of HUDCO Police Station. Thereafter, detention under Tamil Nadu Act 14/82 was also clamped on the petitioner.

4. In the meanwhile, the petitioner made a representation to the respondents on 22.01.2023 for taking action against the police officials for keeping him in illegal custody and torture. Since, no action was taken, the petitioner filed the present petition for the relief supra.

5. The learned Government Advocate (Crl.side) would submit that the representation of the petitioner dated 22.01.2023 is under consideration before the third respondent/Superintendent of Police, Krishnagiri District and submitted that suitable action will be taken on the said representation.



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6. Heard the rival submissions made on both sides and perused the materials available on record.

7. Considering the facts and circumstances and in the light of the submissions so made by the learned Government Advocate (Crl.side) the representation of the petitioner dated 22.01.2023 is under consideration before the third respondent and appropriate orders will be passed, this Court directs the third respondent to pass orders on the representation of the petitioner dated 22.01.2023, after giving an opportunity of personal hearing to the petitioner. This exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

8. With the above direction, the writ petition is disposed of. No costs.

06.02.2023

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Internet : Yes/No

Index : Yes/No

Speaking/Non Speaking Order



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To

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G.CHANDRASEKHARAN, J,
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