



WEB COPY



W.P.No.17177 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2023

CORAM

THE HON'BLE Mr. JUSTICE **G.CHANDRASEKHARAN**

W.P.No.17177 of 2023

Anbukarasi

...Petitioner

Vs.

1.The Director General of Police,
Mylapore,
Chennai – 600 004.

2.The Deputy Inspector General of Police,
Salem District.
Salem.

3.The Superintendent of Police,
O/o.The Superintendent of Police,
Nethimedu,
Salem.

4.The Deputy Superintendent of Police,
O/o. The Deputy Superintendent of Police,
Mettur,
Salem District.

5.The Inspector of Police,
Karumalaikoodal Police Station,
Salem District.

...Respondents



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PRAYER: Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 4 to conduct the enquiry and to take action against the 5th respondent regarding for registering the false case in crime No.119 of 2023 as against the petitioner's son Santhosh based on the representation of the petitioner dated 05.05.2023 stipulated time may be fixed by this Court.

For Petitioner : M/s.M.Senthil Kumar
For Respondents : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)
(For R1 to R5)

ORDER

This Writ Petition has been filed for the issuance of Writ of Mandamus, to direct the respondents 1 to 4 to conduct the enquiry and to take action against the 5th respondent regarding for registering the false case in crime No.119 of 2023 as against the petitioner's son Santhosh based on the representation of the petitioner dated 05.05.2023 within the time fixed by this Court.

2.The learned counsel for the petitioner submitted that a false case in Cr.No.119 of 2023 was registered against the petitioner's son for the offences under Sections 8 (c) and 20 (b) (ii) (B) of Narcotic Drugs and Psychotropic Substances Act, 1985. Therefore, this petition is filed for taking action against fifth respondent



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by the respondents 1 to 4.

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3.In response, the learned Government Advocate (Criminal side) submitted that petitioner's son found to have illegal possession of 1100 grams of Ganja and therefore, this case was instituted and investigation is pending.

4.The First Information Report allegations show that on 04.05.2023, when the Police party, on information, was monitoring near Salem Camp, Old mill residence radio ground area, the accused was found in suspicious circumstances with white color plastic cover. Police party, after following necessary procedure, conducted search and it was found that petitioner's son was in possession of 1100 gram of Ganja in the white color polythene bag. Ganja was seized and the case was instituted.

5.Thus, the First Information Report allegations *prima-facie* show that petitioner's son was found with the illegal possession of 1100 gram of Ganja. When the learned counsel for the petitioner says that case in Cr.No.119 of 2023 is a false case, he must be in a position to explain the Court as to how this claim is made.



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However, the learned counsel for the petitioner is not in a position to give details

for claiming the case in Crime No.119 of 2023 is a false case. It is obvious that this

Writ Petition is filed without any substance or merits. Therefore, this Writ Petition

is dismissed with costs.

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Index:Yes/No

Speaking Order: Yes/No



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- 5.The Inspector of Police,
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Salem District.
6. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN.J.,

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