



WEB COPY



W.P.No.25283 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.25283 of 2021
and W.M.P.Nos.26670 & 26672 of 2021

Reegankumar

...Petitioner

-Vs-

1. The State of Tamil Nadu,
Represented by its Secretary,
Home Department,
Fort St. George,
Chennai – 600 009.

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

3. The District Collector and
District magistrate,
Thirunelveli District,
Thirunelveli.

4. The Superintendent of Police,
Thirunelveli District,
Thirunelveli.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 13.08.2019 in accordance with law and pay a sum of Rs.50,00,000/- (Rupees fifty



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lakhs) to the petitioner as compensation to secure the ends of justice.

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For Petitioner : Mr.R.Sankarasubbu

For Respondents : Mr.A.Gopinath
Government Advocate (Crl. Side)

ORDER

This writ petition has been filed for direction directing the respondents to consider the representation of the petitioner dated 13.08.2019 in accordance with law and pay a sum of Rs.50,00,000/- (Rupees fifty lakhs only) to the petitioner as compensation to secure the ends of justice.

2. The petitioner belongs to SC Community and he was detained illegally by the police personnel and falsely implicated for the offences under Sections 294(b), 392 r/w 397, 506(1) of IPC. At the time of admission into the prison, the prison authority noted down the injuries sustained by the petitioner during the illegal custody, based on the FIR in Crime No.333 of 2019. Though the petitioner was detained under Act 14, it was set aside by the Advisory Board. Therefore, he submitted representation seeking compensation and also to seek proper action as against the police personnel. Since the same was not considered by the



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respondents, the petitioner filed the present writ petition with the above said prayer.

3. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

4. On perusal of the affidavit filed in support of the writ petition, the petitioner did not state which police personnel illegally detained him and tortured him in the illegal custody. He also failed to mention who had beaten him with blue and black with lathies. That apart, the petitioner produced one piece of paper showing as if the Jailer of Central Prison, Palayamkottai, issued certificate with left thumb impression of the petitioner, at the time of admission to the prison that, the petitioner sustained injuries on his head back side, contusion in his right leg, left shoulder and left hand little figure. However, it is not believable by this Court, since it is piece of papers simply put a seal and signature. It is also verified with the learned Government Advocate (Crl. Side) and police personnel and they informed that this kind of certificate never issued by any jail authority.

5. Further, the representation of the petitioner was forwarded to



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the Superintendent of Police, Tirunelveli and thereafter the Additional Superintendent of Police, Tirunelveli, conducted enquiry and he found that in order to wreck vengeance, the petitioner submitted false representation and as such it was rejected by an order dated 09.10.2020. That apart, the petitioner was arrested in pursuant to the registration of FIR in Crime No.333 of 2019, on the file of the Inspector of Police, Thenkasi Police Station, for the offence under Section 341, 294(b), 392, 397 and 506(ii) of IPC along with two other accused persons. They were arrested on 18.05.2019 at about 7.30 a.m., and produced before the learned Judicial Magistrate, Thenkasi, on the same day at about 09.15 p.m., and immediately remanded to judicial custody. That apart, the petitioner also involved in the following cases :-

Sl. No.	Police Station, Crime Number and Section of Law	Stage of the case
1.	Surandai Police Station, Cr.No.201 of 2015 u/s. 294(b), 387, 506(ii) of IPC	Pending Trial
2.	Tenkasi P.S., Cr.No.296 of 2015, u/s. 294(b), 506(ii) of IPC & Section 4 of TNPWH Act.	Pending Trial
3.	Tenkasi P.S., Cr.No.427 of 2015, u/s. 420, 294(b), 307, 506(ii) of IPC & Section 4 of TNPWH Act.	Pending Trial
4.	Tenkasi P.S., Cr.No.252 of 2016, u/s. 294(b), 323 506(ii) of IPC	Pending Trial
5.	Tenkasi P.S., Cr.No.26 of 2019, u/s. 294(b),	Pending Trial



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Sl. No.	Police Station, Crime Number and Section of Law	Stage of the case
	109, 380, 120(b), 147, 427, 435 of IPC	
6.	Tenkasi P.S., Cr.No.27 of 2019, u/s. 4 of TNPPDL Act.	Pending Trial
7.	Surandai P.S., Cr.No.60 of 2019, u/s. 147, 420, 467, 468, 506(i), 109 & 471 of IPC	Pending Trial
8.	Tenkasi P.S., Cr.No.333 of 2019, u/s.341, 294(b), 392, 397, 506(ii) of IPC	Pending Trial
9.	Tenkasi P.S., Cr.No.395 of 2020, u/s. 143, 293, 270 of IPC	Pending Trial
10.	Manur P.S., Cr.No.431 of 2020 u/s. 341, 294(b), 323, 506(i) of IPC & Section 4 of TNPHW Act.	Pending Trial
11.	Tenkasi P.S., Cr.No.246 of 2021, u/s. 294(b), 324, 427, 323 & 506(i) of IPC	Pending Trial
12.	Tenkasi P.S., Cr.No.586 of 2022, u/s. 294(b), 352, 506(ii) of IPC	Under Investigation

6. Though the petitioner's detention order was set aside by this Advisory Board, it doesn't mean that the petitioner was illegally detained and brutally attacked by the Police personnel. Further while producing before the learned Judicial Magistrate, Thenkasi, the petitioner did not even whisper about the illegal detention or brutal attack by the police personnel. Therefore, the petitioner failed to produce any piece of evidence that the petitioner was illegally detained and brutally attacked by the police personnel. Hence, the writ petition is lack of merits and it is



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liable to be dismissed.

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7. Accordingly, the Writ Petition stand dismissed.

Consequently, connected miscellaneous petitions are closed. There shall be no orders as to costs.

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Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

rts



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To
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1. The Secretary
State of Tamil Nadu,
Home Department,
Fort St. George,
Chennai – 600 009.
2. The Director General of Police,
Mylapore,
Chennai – 600 004.
3. The District Collector and
District magistrate,
Thirunelveli District,
Thirunelveli.
4. The Superintendent of Police,
Thirunelveli District,
Thirunelveli.
5. The Public Prosecutor,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN. J.

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