



WEB COPY



W.P.No.26796 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2023

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THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.26796 of 2023

A.Helina

... Petitioner

Vs.

- 1.The District Collector,
O/o.District Collector,
Thiruvallur District.
- 2.The Superintendent of Police,
O/o Superintendent of Police,
Thiruvallur District.
- 3.Dharmalingam,
Inspector of Police,
Vengal Police Station,
Thiruvallur District.
- 4.Kamalahasan,
Inspector of Police,
Pullrambakkam Police Station,
Thiruvallur District.
- 5.Raobagathur,
Police Official Vengal Police Station,
Thiruvallur District.
- 6.Loganathan,
Police Official,
Vengal Police Station,
Thiruvallur District.



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7.Jagan,
Police Official,
Vengal Police Station,
Thiruvallur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus or any other nature writ or direction directing the respondent 1 and 2 to consider and take action against the 3rd to 7th respondent in pursuant petitioner representation, dated 05.07.2023.

For Petitioner : Mr.P.Muthamizhselvakumar
For R1 & R2 : Mr.E.Veda Bagath Singh,
Special Government Pleader

ORDER

This Writ Petition has been filed to direct the respondents 1 and 2 to consider and take action against the respondents 3 to 7 in pursuant to the petitioner's representation, dated 05.07.2023.

2.The contention of the petitioner is that her husband was working as Contractor in the Tamil Nadu Electricity Board and engaged the labourers completing the contract works. On 26.04.2023, the petitioner's husband was arrested by the 3rd respondent, who is the Inspector of Police, Vengal Police Station, Thiruvallur District and produced before the learned Judicial Magistrate No.I, Thiruvallur for remand on 27.04.2023. Later, it came to the knowledge of the petitioner that her husband was arrested in



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Crime No.161 of 2023, for offence under Section 379 of IPC based on the confession statement of the co-accused. His further contention that the 4th respondent made a PT warrant on 11.05.2023 in order to prevent the petitioner's husband to come out on bail, but the same was rejected by the learned Judicial Magistrate No.I, Thiruvallur on 12.05.2023 and the petitioner's husband was enlarged on bail. Thereafter, there were 17 cases were registered against the petitioner's husband under Section 379 IPC by the 4th respondent. Now, the grievance of the Writ Petitioner is that the entire arrest and remand is a serious violation of fundamental right and further the Police officials not followed the mandated provisions. In this regard, the petitioner has given representation, dated 05.07.2023 to the respondents 1 and 2 to take action against the respondents 3 to 7 under Section 166A of IPC, however, the same has not been considered. Hence, seeks direction of this Court.

3.The learned counsel for the petitioner submitted that even the learned Judicial Magistrate No.I, Thiruvallur has refused to remand the petitioner's husband, the respondents 3 to 7 violated the mandated provisions of the Code of Criminal Procedure and hence, disciplinary action



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to be taken against them.

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4.Heard the submissions and perused the materials available on record.

5.The learned Judicial Magistrate No.I, Thiruvallur finding the procedural violation, has not accepted the remand of the petitioner's husband. Therefore, merely because there is a procedural violation, it cannot be construed as illegal detention. In such view of the matter, when the petitioner's grievance is not addressed by the higher authorities to prosecute the respondents 3 to 7, her remedy lies in the Code of Criminal Procedure and not in the Writ Petition.

6.Accordingly, I do not find any merit in this Writ Petition and the same is dismissed. No costs.

13.09.2023

Index : Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

Speaking Order/Non-Speaking Order

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To
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- 1.The District Collector,
O/o.District Collector,
Thiruvallur District.
- 2.The Superintendent of Police,
O/o Superintendent of Police,
Thiruvallur District.



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N.SATHISH KUMAR, J.
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