



W.P.No.22483 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2023

CORAM:

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

W.P.No.22483 of 2017

and

W.M.P.Nos.23590, 23591 and 23592 of 2017

Karmegam @ Raja

...Petitioner

-Vs-

1. The State represented by its
The Government of Tamil Nadu,
Chief Secretariat,
St. George Fort,
Chennai-600 009.
2. The Secretary to Government,
Home Department,
Chief Secretariat,
St. George Fort,
Chennai-600 009.
3. The Deputy Inspector General of Police,
O/o.The Deputy Inspector General of Police,
Radhakrishnan Salai,
Chennai.
4. The Superintendent of Police,
O/o.The Superintendent of Police,
Krishnagiri District.



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Krishnagiri.

5. Palanisamy

6. Ravi

7. Prabhu

8. Subramani

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India praying for the issuance of Writ of Mandamus, directing the respondents 3 and 4 to take action against the respondents from 5 to 8 departmentally for their involvement of illegal act and harassment caused to the petitioner on 25.06.2017.

For Petitioner : Mr.R.Thirumoorthy

For R1 to R4 : Mr.L.Baskaran
Government Advocate (Crl.Side)

ORDER

This Writ Petition has been filed for direction directing the respondents 3 and 4 to take action against the respondents from 5 to 8 departmentally for their involvement of illegal act and harassment caused to the petitioner on 25.06.2017.



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2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondents 1 to 4 and perused the materials available on record.

3. The petitioner is the owner-cum-driver of the lorry bearing Registration No.TN 52 B 9500. While he was proceeding with load in his lorry, on 25.06.2017 at about 11 p.m, the respondents 5 to 8 had intercepted him on the pretext of enquiry without any reasons. They had also forcibly taken him to the 5th respondent's house and he was assaulted brutally. They had also seized mobile phone, ATM card, Driving license and also cash to the tune of Rs.11,000/-. He was assaulted black and blue and foisted a false case as against him in Crime No.245 of 2017, as if he had committed theft of Rs.500 from the defacto complainant viz., Kumar. In pursuant to the registration of the said FIR, he was remanded to judicial custody. After coming out from prison, he went to Government Hospital, Krishnagiri, where the Accident Register was recorded, in which the petitioner stated that he was assaulted by Police persons on 25.06.2017 at about 11 p.m. Therefore, he sustained injuries. In fact, he



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was admitted to the hospital and discharged only on 05.07.2017.

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Immediately, the petitioner's wife lodged a detailed complaint before all the higher officials on 06.07.2017. However, no action has been taken for his brutal attack by the respondents 5 to 8 herein. Hence, this writ petition.

4. A perusal of the status report filed by the Deputy Superintendent of Police and the counter filed by the fourth respondent herein revealed that the petitioner had involved in a case of stealing a sum of Rs.500/- by pick pocketing from the defacto complainant, on 25.06.2017, at about 11 p.m. After caught hold of the accused, he was brought to the Police Station and remanded to the judicial custody. Even while remanding him, he did not even whisper about the alleged attack by the respondents 5 to 8 herein. After coming out from prison, he went to Government Hospital, Krishnagiri, where the Accident Register was recorded. Further, the representation submitted by his wife was enquired in a detailed manner and it was closed. The said representation was closed, on the ground that the representation was sent only to escape



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from the clutches of law in Crime No.245 of 2017. In fact, after completion of investigation, charge sheet was laid and the same has been taken cognizance by the Trial Court, Viz., the learned Judicial Magistrate I, Krishnagiri in S.T.C.No.1340 of 2017 and it is pending for trial.

5. Though the Deputy Superintendent of Police conducted an enquiry and closed the complaint lodged by the petitioner's wife, the respondents failed to produce a copy of the enquiry report and there is no proof to show that the enquiry was conducted on the complaint lodged by the wife of the petitioner herein. Further, the petitioner also failed to produce any document to show that he was detained under the police custody for two days namely 25.06.2017 and 26.06.2017 and he was brutally attacked by the respondents 5 to 8 herein, except the Accident Register which was recorded on 01.07.2017. He was also admitted in the hospital and discharged only on 05.07.2017.

6. Considering the above facts and circumstances of the case, the petitioner is directed to submit a fresh representation along with all the



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documents in pursuant to the illegal custody and alleged brutal attack by the respondents 5 to 8 herein before the fourth respondent, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the fourth respondent is directed to conduct a detailed enquiry and pass orders, after giving an opportunity of hearing to the petitioner and supporting witnesses, on merits and in accordance with law, within a period of twelve weeks thereafter.

7. With the above directions, this writ petition is disposed of. Consequently, connected Miscellaneous petitions are closed. There shall be no order as to costs.

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Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
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To

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St. George Fort,
Chennai-600 009.
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Home Department,
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St. George Fort,
Chennai-600 009.
3. The Deputy Inspector General of Police,
O/o.The Deputy Inspector General of Police,
Radhakrishnan Salai,
Chennai.
4. The Superintendent of Police,
O/o.The Superintendent of Police,
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Krishnagiri.



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