



W.P.No.27791 of 2017

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2023

CORAM :

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.27791 of 2017

and

W.M.P.Nos.29775, 29776 & 29777 of 2017

G.Sundarrajan

...Petitioner

-Vs-

- 1) The State represented by its
The Government of TamilNadu,
Chief Secretariat,
St., George Fort,
Chennai-600 008.
- 2) The Secretary to Government,
Home Department,
Chief Secretariat,
St., George Fort,
Chennai-600 008.
- 3) The Deputy Commissioner of Police,
O/o.The Deputy Commissioner of Police,
T.Nagar,
Chennai-600 017.



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4. The Inspector of Police,
R-10, M.G.R.Nagar Police Station,
Chennai.

5. Rafiq,
Sub-Inspector of Police,
R-10, M.G.R.Nagar Police Station,
Chennai.

6. Ramamoorthy,
Police Head Constable,
R-10, M.G.R.Nagar Police Station,
Chennai.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents from 1 to 3 to take action against the respondents 5 and 6 departmentally for their involvement of illegal act and harassment caused to the petitioner on 22.10.2017.

For Petitioner : Mr.R.Thirumoorthy

For Respondents 1 to 4 : Mr.L.Baskaran,
Government Advocate (Crl.Side)

For Respondents 5 & 6 : No appearance



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ORDER

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This Writ Petition is filed for issuance of a Writ of Mandamus directing the respondents from 1 to 3 to take action against the respondents 5 and 6 departmentally for their involvement of illegal act and harassment caused to the petitioner on 22.10.2017.

2. This petitioner is a driver by profession and own TATA Magic Vehicle. While being so, on 21.10.2017 at about 11.00pm, he returned to home after completion of work. His friend namely Saravanan boarded on his vehicle and asked him to drop near Ashokpillar for purchasing liquor and this petitioner also gave his consent to consume liquor. Both went to Kamadenu Complex situated near Ashok Pillar and then the said Saravanan stepped down from the vehicle and went inside the complex for buying liquor. However he did not return for about 20 minutes. This petitioner on 22.10.2017 went to Ramachandira Hospital for taking treatment since he is a chronic diabetic patient. At that time, one Sathya called him over phone and informed that Saravanan was assaulted yesterday night by some unknown person. Therefore, the said Saravanan was admitted in Rajiv



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Gandhi Government Hospital. Therefore, the brother of Saravanan along with this petitioner went to 5th respondent police station. The 5th respondent collected information from Sankar and then the 5th respondent instructed him to sit in the police station for enquiry. Thereafter, the respondents 5 & 6 brutally attacked him and also threatened him with dire consequences. Therefore, he was illegally detained without committing any fault and they assaulted them. Hence, this petitioner lodged a complaint before the 3rd respondent.

3. The learned Government Advocate (Crl.Side) submitted that petitioner and the said Saravanan are friends. They went to liquor shop and purchased liquor. After consuming liquor, they had quarrelled each other. On the complaint lodged by the Saravanan, this petitioner was taken to police station by 5th respondent and conducted enquiry. After conducting enquiry, no FIR was registered and both were warned. Therefore, no alleged assault was committed by the respondents 5 and 6 herein. In fact, the petitioner went to Royapettah Government Hospital on 23.10.2017 at 6.35p.m and taken treatment as inpatient and stated that he was assaulted by



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three unknown persons in his house. That apart on the complaint lodged by the petitioner, a detailed enquiry was conducted by 3rd respondent and no alleged occurrence happened in the police station. The petitioner was not assaulted by any police officials. Thereafter, the said complaint was closed on 22.11.2023. On perusal of the statements recorded from the witnesses also revealed the same.

4. Therefore, this court finds no merits in this writ petition to take appropriate action as against the respondents 5 and 6. Hence this writ petition is devoid of merits and liable to be dismissed. Accordingly, this Writ Petition is dismissed. No costs. Consequently the connected miscellaneous petitions are closed.

23.11.2023

Index : Yes/No

Internet: Yes/No

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Home Department,
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- 3) The Deputy Commissioner of Police,
O/o.The Deputy Commissioner of Police,
T.Nagar,
Chennai-600 017.
- 4) The Inspector of Police,
R-10, M.G.R.Nagar Police Station,
Chennai.
- 5) The Public Prosecutor,
High Court, Madras.



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