



W.P.(MD)No.15872 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.08.2023

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

W.P.(MD)No.15872 of 2021

Thangam @ Akilandam

... Petitioner

Vs.

- 1.The Secretary to Government
Home Department,
The Secretariat, Fort St.George,
Chennai-09.
- 2.The Director General of Police,
Mylapore, Chennai.
- 3.The Superintendent of Police,
Sivagangai District, Sivagangai.
- 4.The Inspector of Police,
Singampunari Police Station,
Sivagangai District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to pay compensation of Rs.10,00,000/-(Rupees Ten Lakhs only) for failure of the fourth respondent to perform his duty or proper investigation and accordingly, compensate the loss suffered by the petitioner.



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For Petitioner : Mr.V.Kannan

For Respondents : Mr.R.M.Anbunithi,
Additional Public Prosecutor

ORDER

This Writ Petition has been filed to direct the first respondent to pay compensation of Rs.10,00,000/-(Rupees Ten Lakhs only) for failure of the fourth respondent to perform his duty or proper investigation and accordingly, compensate the loss suffered by the petitioner.

2.According to the petitioner, he filed a complaint before the respondent police for the theft committed his house and thereafter, there is no progress and already he filed a petition to transfer the investigation. At that time, they filed status report by stating that they have taking steps and they examined the witnesses and based on the status report, the said petition was dismissed. Again there is no progress in the investigation and again the petitioner filed a petition to complete the investigation within a stipulated time and the same was allowed and directed the police to file final report within three months. Thereafter, the police closed the case as not traceable and the same is pending before the learned



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Magistrate Court. In the mean time, the petitioner sent representation to the respondents by claiming compensation of Rs.10,00,000/- for not taking steps in the petitioner's complaint and closing of the said complaint. The said representation has not been considered till date. Hence, the petitioner filed the present writ petition.

3.No counter was filed by the respondents.

4.The learned counsel appearing for the petitioner would contend that the petitioner preferred a complaint on 09.09.2019 stating that when she returned from school at about 02.00 pm., she observed that one of the entry doors of the house was ajar and thereafter, she came to know that jewels worth about Rs.4,05,000/- were stolen and she gave complaint before the respondent police. But, they have not taken any steps. Hence, the petitioner filed a petition to transfer the investigation to other agency and the same was dismissed based on the status report filed by the respondent police. Even after the disposal of the said petition, the respondent police have not taken any steps to trace out the real culprits and recovery the jewels and thereby, the petitioner filed a petition to direct the respondent police to complete the investigation within a time



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frame, wherein, this Court directed the respondent to file final report, within three months. Thereafter, the respondent police simply closed the case as non-traceable. Hence, the petitioner sent a representation to the respondents by claiming compensation of Rs.10,00,000/- for the inaction of the police. But, the same has not been considered by the respondents. Therefore, the petitioner filed the present petition.

5.The learned Additional Public Prosecutor appearing for the respondents would contend that already the respondent police investigated the case and examined the witnesses and collected some records and thereafter, they are unable to trace out the real accused and thereby, they filed a report before the learned Magistrate stating that the case is non-traceable. The copy of the report also served to the petitioner and the petitioner has approached the learned Magistrate and the same is pending.

6.Heard both sides and perused the materials available in the records.



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7.The prayer of the petitioner is only limited to consider her representation dated 19.08.2021. In this context, the learned Additional Public Prosecutor fairly admitted that the representation of the petitioner has not been considered and the same is pending.

8.In view of the above submission, it is appropriate to direct the first respondent to consider the petitioner's representation. Accordingly, the first respondent is directed to consider the representation of the petitioner dated 19.08.2021 and pass suitable orders by giving opportunity to necessary parties in accordance with law on merits. The above said exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

9.With the above observations and directions, this writ petition is disposed of. No costs.

08.08.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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P. DHANABAL,J.

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To

- 1.The Home Department,
The Secretariat, Fort St.George,
Chennai-09.
- 2.The Director General of Police,
Mylapore, Chennai.
- 3.The Superintendent of Police,
Sivagangai District, Sivagangai.
- 4.The Inspector of Police,
Singampunari Police Station,
Sivagangai District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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