



W.P.(MD)No.16883 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2023

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THE HON'BLE MR.JUSTICE P.DHANABAL

W.P.(MD)No.16883 of 2020

and

W.M.P.(MD)Nos.14116 & 14117 of 2020

Eshwari

... Petitioner

Vs.

- 1.The Secretary to Government,
Department of Home Affairs,
State of Tamilnadu,
St.George Fort, Chennai.
- 2.The Director General of Police,
State of Tamilnadu,
Dr.Radhakrishnan Salai,
Mylapure, Chennai.
- 3.The Deputy Inspector General of Police,
State of Tamilnadu,
Dr.Radhakrishnan Salai,
Mylapure, Chennai.
- 4.The Superintendent of Police,
Thanjavur District,
Thanjavur.



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5.The Dean,
Government Medical College Hospital,
Thanjavur.

6.The Residential Medical Officer,
Government Medical College Hospital,
Thanjavur.

7.Selvamani

8.Gowthaman

9.Sivabala Sekaran

10.Rajesh

11.The Inspector of Police,
Town East Police Station,
Thanjavur District,
Thanjavur.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the first to third respondents to take appropriate action against seventh to tenth respondents based on the petitioner's representation dated 09.11.2020 and consequently direct the respondents to pay adequate compensation to her husband for the injuries sustained during illegal detention.

For Petitioner : Mr.M.Paramasivam

For R1 to R6 & R11 : Mr.R.M.Anbunithi,
Additional Public Prosecutor



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For R7 to R10 : Mr.M.R.R.Sivasubramanian

ORDER

This Writ Petition has been filed to direct the first to third respondents to take appropriate action against seventh to tenth respondents based on the petitioner's representation dated 09.11.2020 and consequently direct the respondents to pay adequate compensation to her husband for the injuries sustained during illegal detention.

2. According to the petitioner, on 06.11.2020, the petitioner went to Thanjavur Town for purchasing goods. At that time, when the petitioner's husband and her mother were in the house, at about 12.00 pm., the Police personnels, namely, Mr.Sivabal Segaran and Mr.Gowthaman came to the house and abused the petitioner's husband by using his caste name and also in filthy language. When they asked about the non-appearance of the petitioner's husband, he replied that he already appeared before the Revenue Divisional Officer and also executed affidavit before him. Thereafter, the said police personnels



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assaulted the petitioner's husband and took him in the police vehicle and the same was informed to the petitioner over phone. After reaching home, she enquired about the occurrence and she came to know that the Police personnels, namely, Mr.Sivabal Segaran and Mr.Gowthaman took her husband. Thereafter, she made search and she came to know that the said police personnels wrongfully confined her husband and broke his legs and admitted him in Thanjavur Medical College Hospital, by stating that he himself fell down. On 06.11.2020, the petitioner gave complaint before the District Legal Services Authority, Thanjavur and thereafter, the said police personnels registered a false case as if, he involved in Cr.No.1415 of 2020, which was registered for the offence under Sections 392, 397, 506(ii) IPC. Therefore, the petitioner has sent a representation on 09.11.2020 to the Chief Minister Special Cell and copies were also marked to the Superintendent of Police and other police personnels. However, they have not taken any action so far. Hence, the petitioner filed the present writ petition.

3.The learned counsel appearing for the petitioner has contended that the respondent police have not taken any action as against the erring



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officials and her complaint dated 09.11.2020 has not been enquired and the same is still pending.

4.The learned Additional Public Prosecutor appearing for the official respondents has contended that the petitioner's husband is a habitual offender and so many cases are pending against him. Only in order to escape from those cases, this petition has been filed and the same is liable to be dismissed.

5.The learned counsel appearing for the private respondents has represented that even as per the accident report, the husband of the petitioner himself fell down and sustained injuries. The private respondents are no way connected with the occurrence. Hence, this petition is liable to be dismissed.

6.On perusal of representation dated 09.11.2020, shows that the petitioner sought for relief with regard to the criminal action as against the erring police personnels for the injuries caused on her husband and there is no reference about the compensation. But, in the writ petition,



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the petitioner also prayed for compensation. Therefore, the petitioner is at liberty to approach the concerned authorities by filing appropriate application for compensation. As far as the criminal action is concerned, in the interest of justice and also considering the facts and circumstances of the case, it is appropriate to direct the fourth respondent to consider the representation of the petitioner. Accordingly, the fourth respondent is directed to enquire the representation of the petitioner dated 09.11.2020 and take necessary action, by giving adequate opportunity to the necessary parties and complete the enquiry, as early as possible, preferably, within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above observations and directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

12.07.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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Madurai Bench of Madras High Court,
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P. DHANABAL,J.

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