



W.P.(MD)No.18003 of 2020

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.07.2023

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

W.P.(MD)No.18003 of 2020
and
W.M.P.(MD)No.15024 of 2020

K.Ramprabu

... Petitioner

Vs.

- 1.The State of Tamil Nadu
Rep through its Secretary,
Home Department,
2nd Floor Main Building, Rajaji Road,
Fort St.George, Chennai-600009.
- 2.The Director of General of Police,
Post Box No.601,
Dr.Radhakrishnan Salai,
Mylapore, Chennai-600 004.
- 3.The Superintendent of Police,
Office of the Superintendent of Police,
Madurai District.
- 4.Manikandan

5.Alex

... Respondents



W.P.(MD)No.18003 of 2020

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing first to third respondents to initiate legal action as against the fourth and fifth respondents by registering a criminal case against them and consequently direct the respondents to pay a sum of Rs.5 Lakhs to the petitioner for the grievous injuries inflicted upon him by the fourth and fifth respondents.

For Petitioner : Mr.C.M.Arumugam

For R1 to R3 : Mr.R.M.Anbunithi,
Additional Public Prosecutor

ORDER

This Writ Petition has been filed to direct the first to third respondents to initiate legal action as against the fourth and fifth respondents by registering a criminal case against them and consequently direct the respondents to pay a sum of Rs.5 Lakhs to the petitioner for the grievous injuries inflicted upon him by the fourth and fifth respondents.

2.According to the petitioner, one Balakrishnan, who is the petitioner's father's younger brother, attempted to encroach upon the portion of the petitioner's property with the aid of some anti social elements. He did not make any claim or right over the property, during



W.P.(MD)No.18003 of 2020

the life time of his father. Unfortunately, he created unnecessary dispute, after the death of the petitioner's father with ulterior motive. While so, on 22.10.2020, at about 7.00 am., the said Balakrishnan along with one Dharmar and some others broken open the door of the petitioner's property by using crowbar and attempted to encroach upon the petitioner's dwelling house. As he had no option, sought assistance of police by made a call to the emergency number 100. Immediately, within 20 minutes, the police personnels attached with Kadupatti Police Station came to his residence and enquired him and his paternal uncle. In the enquiry, it was found that the petitioner's paternal uncle committed unlawful activities with ill intention to encroach the property. Thereafter, he was directed to stop his illegal activities. Thereafter, on the instructions of the police, the said Balakrishnan left his house. Thereafter, on instructions, the petitioner gave statement at Kadupatti Police Station and also lodged a complaint before the fourth respondent herein at about 11.20 am., on the same day. From the beginning, the fourth respondent started act as against the petitioner, as he made emergency call, without sought assistance from Kadupatti Police Station. Thereafter, the fourth respondent intimidated him and also coerced him



W.P.(MD)No.18003 of 2020

to put his signature in three blank papers and the petitioner also put signature under pure threat. Further, the fourth respondent slapped on his right cheek and also scolded him. The fourth respondent directed the fifth respondent to assault the petitioner with latti and fourth respondent also assaulted him with latti on his right hand, which caused fracture on petitioner's right thumb. In the Police Station, the petitioner was not even treated with basic humanity and denied even to drink water. Thereafter, at 08.30 pm., the fourth respondent sent out the petitioner from the police station with strict instructions that the petitioner should not inform the police assault, otherwise, false cases would be foisted against him. As the fracture inflicted upon his right thumb, he got admitted in Government Rajaji Hospital, Madurai, on the next day and X-ray taken at the injured thumb ascertained the fracture. Thereafter, he sent complaint dated 22.10.2020 as against the fourth and fifth respondents. But no legal action was taken as against the police officials. Thereafter, he preferred representation to the second and third respondents on 09.11.2020 and 27.10.2020. As they did not initiate legal action, on 19.11.2020, he sent a representation to the first respondent. Though he sent representation to all the respondents, none of them come



W.P.(MD)No.18003 of 2020

forward to initiate legal action. Hence, the petitioner filed the present petition.

3.The learned counsel appearing for the petitioner would contend that the police officials assaulted the petitioner, due to the reason that the made emergency call through 100, without seeking assistance from the Kattupatti Police Station and caused grievous injury on his thump. Already he sent so many representation and the same were not considered by the respondents. Hence, he filed this petition to initiate legal action as against the fourth and fifth respondents by registering criminal case and to award compensation of Rs.5 Lakhs. The Inspector of Police, Sholavanthan Circle, Madurai filed counter. But he is not a party to this writ petition. On perusal of counter shows that no averments made in the counter under what capacity he filed the counter.

4.The Additional Public Prosecutor appearing for the official respondents would contend that already petition was considered by the Inspector of Police, Sholavanthan and the same was closed.



W.P.(MD)No.18003 of 2020

5.The learned counsel for the petitioner would contend that the closure report was not served to him.

6.The official respondents are directed to serve closure report to the petitioner. Thereafter, the petitioner has to take appropriate action in the manner known to law. As far as the first prayer is concerned, the petitioner without approaching learned Magistrate Court by filing application under Section 156(3) Cr.P.C., directly approached this Court. When this Court asked about the same, the learned counsel for the petitioner has represented that since compensation also sought for in this petition, he directly approached this Court, without filing application before the learned Magistrate.

7.On perusal of records shows that no document was produced by the petitioner with regard to the fracture on his thumb and he only filed photograph. Based on the photograph, this Court cannot come to any conclusion with regard to the injury sustained by the petitioner. Further, no records from the hospital produced by the petitioner. Therefore, this Court is not in a position to look into the matter regarding compensation.



W.P.(MD)No.18003 of 2020

Once this Court is not in a position to award compensation, the petitioner can very well approach the learned Magistrate for appropriate remedy under Section 156(3) Cr.P.C.

8. With the above observations, this writ petition is disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

21.07.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
gns

To

1. The Secretary,
Home Department,
2nd Floor Main Building, Rajaji Road,
Fort St. George, Chennai-600009.
2. The Director of General of Police,
Post Box No.601, Dr. Radhakrishnan Salai,
Mylapore, Chennai-600 004.
3. The Superintendent of Police,
Office of the Superintendent of Police,
Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

7/8



WEB COPY



W.P.(MD)No.18003 of 2020

P. DHANABAL,J.

gns

W.P.(MD)No.18003 of 2020

21.07.2023