



W.A.(MD) No.1212 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

**W.A.(MD) No.1212 of 2023
and
C.M.P.(MD)No.9112 of 2023**

Kaleeswari

... Appellant/Petitioner

-VS-

1.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.

2.The Deputy Superintendent of Police,
Sivakasi Range,
Virudhunagar District.

3.The Inspector of Police,
M.Pudupatti Police Station,
M.Pudupatti,
Sivakasi Taluk,
Virudhunagar District.

4.Anbalagan

... Respondents/Respondents



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PRAYER: Writ Appeal has been filed under Clause 15 of Letters Patent to set aside the order, dated 12.04.2022 made in W.P.(MD)No.6790 of 2022 on the file of this Court.

For Appellant : Mr.P.M.Vishnuvarthanan

For R1 to R3 : Mr.M.Lingadurai
Special Government Pleader

J U D G M E N T

D.BHARATHA CHAKRAVARTHY, J.

This Writ Appeal is directed against the order of the learned Single Judge, dated 12.04.2022 made in W.P.(MD)No.6790 of 2022. By the said order, the learned Single Judge dismissed the writ petition filed by the appellant. In the writ petition, the appellant prayed for a Mandamus directing the respondents 1 and 2 to consider her representation, dated 30.03.2022 to take departmental proceedings against the fourth respondent in connection to the non-compliance of the conditional order by the accused in FIR in Crime No.3 of 2021, dated 03.01.2021 on the file of the M.Pudupatti Police Station.



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2. It is the case of the appellant that she is the defacto complainant in Crime No.3 of 2021 on the file of the M.Pudupatti Police Station. The fourth respondent is functioning as Special Sub-Inspector of Police in the said police station. When anticipatory bail was granted in CrI.O.P.(MD)No.209 of 2021 in respect of the four accused in the said case, the same was granted on condition to appear before the police station and sign daily at 10.30 a.m. None of the accused properly complied with the said condition and when the fourth accused had signed the attendance register of the school, which starts at 09.00 a.m, he could not have complied with the condition at 10.30 a.m. Therefore, it is her contention that the fourth respondent has colluded with them in creating false records.

3. The learned Single Judge, after considering the nature of representation, found that when already application for cancellation of bail has been moved before the concerned Court, it is for the said Court to take a call. Making representations and thereafter, filing writ petitions for initiating disciplinary proceedings is a misconceived practice and therefore, dismissed the writ petition with a cost of Rs.10,000/-.



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4. Mr.P.M.Vishnuvardhanan, learned counsel appearing on behalf of the appellant would submit that all that he prayed was to consider her representation, whereby, she has brought to the notice of the respondents 1 and 2 about the illegality committed by the fourth respondent. In any event, the said writ petition ought not to have been dismissed with cost. The petitioner being the defacto complainant in the criminal case, is entitled to make such representation and its the statutory duty of the respondents 1 and 2 to consider the same.

5. We have considered the said submissions made on behalf of the learned counsel for the appellant and perused the material records of the case.

6. As rightly held by the learned Single Judge, a writ petition in the nature of a mandamus to initiate disciplinary proceedings is misconceived. The remedy for any wrongful documentation in respect of compliance of conditions imposed while granting bail is to bring it to the notice of the appropriate Court by way of an appropriate application for



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7. In the result, the Writ Appeal stands dismissed. No costs.
Consequently, connected miscellaneous petition is closed.

[S.S.S.R., J.] [D.B.C., J.]

28.07.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To:

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