



W.P.(MD)No.19118 of 2020

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.01.2023

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

W.P.(MD).No.19118 of 2020

A.R.Elango

... Petitioner

Vs.

- 1.The Director General of Police,
Government of Tamilnadu,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai – 600 004.
- 2.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
- 3.The Inspector of Police,
Thalavaipuram Police Station,
Virudhunagar District.
- 4.Muthukumaran,
Inspector of Police,
Thalavaipuram Police Station,
Virudhunagar District.
- 5.Lavakusa,
Sub-Inspector of Police,
Thalavaipuram Police Station,
Virudhunagar District.



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6.Perumalsamy,
Sub-Inspector of Police,
Thalavaipuram Police Station,
Virudhunagar 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 respondents 1 and 2 to take departmental action against the respondents 4 to 6 based on the petitioner's representation dated 04.11.2020 with immediate effect.

For Petitioner : Mr.E.K.John Victor Ellis
For R-1 to R-3 : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor.

ORDER

The Writ Petition has been filed seeking for a direction to the respondents 1 and 2 to take departmental action against the respondents 4 to 6 based on the petitioner's representation dated 04.11.2020.

2. The allegation in the Writ Petition is that there was a property dispute between the petitioner and his brother. In connection with the said dispute, there was a fight between the brothers and a complaint was lodged by the petitioner against his brother on 10.06.2020 and the same was registered in Crime No.206 of 2020. The petitioner's brother also gave a counter complaint, which was registered in Crime No.207 of 2020. The petitioner claims that the



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respondents 4 to 6 were supporting his brother in the investigation. Hence, the petitioner gave a representation dated 04.11.2020 to the respondents 1 to 3 to take departmental action against the respondents 4 to 6. The respondents did not take any action on the representation and hence, the Writ Petition has been filed.

3. The learned Additional Public Prosecutor appearing for the respondents 1 to 3 submitted that on the complaint lodged by the petitioner, which was registered in Crime No.206 of 2020, investigation was conducted and the respondents have filed a final report before the learned Judicial Magistrate, Rajapalayam in C.C.No.283 of 2020. Similarly, on the complaint lodged by the petitioner's brother in Crime No.207 of 2020, a final report was filed before the learned Judicial Magistrate, Rajapalayam in C.C.No.1 of 2020. A subsequent complaint was filed by the petitioner's son and the same was registered in Crime No.305 of 2020. On investigation, the respondents closed the said complaint as 'Mistake of Fact'.

4. In view of the investigation conducted by the respondent Police and filing of final report, which is pending trial before the learned Judicial Magistrate, Rajapalayam, the petitioner's apprehension is unfounded. That



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apart, the petitioner had not stated as to how the respondents 4 to 6 are acting in a biased manner. Therefore, the Writ Petition is devoid of merits and hence dismissed. There shall be no order as to costs.

05.01.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Lm

To

- 1.The Director General of Police,
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Dr.Radhakrishnan Salai,
Mylapore,
Chennai – 600 004.
- 2.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
- 3.The Inspector of Police,
Thalavaipuram Police Station,
Virudhunagar District.
- 4.The Sub-Inspector of Police,
Thalavaipuram Police Station,
Virudhunagar District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

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