



WP(MD)No.5922 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 16.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.5922 of 2014

A.Anandhan

... Petitioner

v.

1.The State

Rep. by its Secretary,
Department of Home,
Fort St.George,
Chennai – 9.

2.The Director General of Police,
Chennai.

3.The Superintendent of Police,
Sivagangai District.

4.Chandrasekaran

5.Ramar

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the respondents to give adequate compensation to the petitioner and also directing the third



WP(MD)No.5922 of 2014

respondent to conduct enquiry and take necessary action as per the order of the State Human Rights Commission, Tamil Nadu in SHRC Case No.7828 of 2013 dated 30.10.2013.

For Petitioner : Mr.S.Ramasamy

For Respondents : Mr.J.K.Jayaseelan,
Government Advocate
for R.1 to R.3

Mr.S.Chellapandian for R.4

Mr.Arul Jenifer for R.5

ORDER

One Lakshmi and her son Somasundaram were attacked by three persons on 02.09.2009 and later, they succumbed to the injuries. A case was registered on the file of the Kallal Police Station in Crime No.425 of 2009 for the offence under Sections 307 & 302 IPC. The respondent Police has suspected this petitioner, since Lakshmi was the servant maid of this petitioner. Therefore, they have taken the petitioner for investigation, interrogated him and also filed an application before the Judicial Magistrate Court, Karaikudi, for conducting Lie Detector and Narco Analysis test. However, the said application was dismissed on 02.03.2012.



WP(MD)No.5922 of 2014

WEB COP 2.

Thereafter, on 17.08.2013, the then Inspector of Police and Sub-Inspector of Police, Kallal Police Station seem to have taken this petitioner in a Tata Sumo Car to the police station and attacked him. In that attack, the petitioner said to have sustained a grievous injury (fracture on his left leg). With this allegation and averment, the petitioner has lodged a private complaint as against the respondents 4 & 5, the then Inspector of Police and Sub-Inspector of Police, Kallal Police Station in C.C.No.283 of 2013 on the file of the Judicial Magistrate Court, Karaikudi and now converted as P.R.C.No.6 of 2022. The petitioner has also approached the State Human Rights Commission and the Commission has directed the Superintendent of Police to conduct an investigation. Thereafter, the petitioner has filed this writ petition seeking compensation and for taking necessary action as per the orders of the State Human Rights Commission.

3.This writ petition filed in the year 2013 is kept pending without any progress and therefore, this Court directed the learned Government Advocate to ascertain and report the position with regard to the criminal case pending in



WP(MD)No.5922 of 2014

C.C.No.283 of 2013 [P.R.C.No.6 of 2022]; the enquiry as directed by the State Human Rights Commission in No.7828 of 2013 dated 30.10.2013; and also the stage of the criminal case in Crime No.425 of 2009.

4.Learned Government Advocate, on instructions, submitted that pursuant to the directions of this Court and the directions of the State Human Rights Commission, the Superintendent of Police, Sivagangai District, has conducted an enquiry and has also filed a report on 31.05.2023.

5.The enquiry report is produced before this Court. The learned Judicial Magistrate, Karaikudi, has also submitted a report that warrant is pending as against the respondents 4 & 5 and therefore, the case in P.R.C.No.6 of 2022 has not been committed yet and the case is also posted on 30.06.2023 for further hearing.

6.It appears that the respondents 4 & 5 have filed a criminal original petition in CrI.OP.No.14348 of 2014 for quashing the private complaint proceedings initiated by this petitioner, wherein, an interim order was granted



WP(MD)No.5922 of 2014

by this Court. Subsequently, the original petition was dismissed on 16.09.2019. Even thereafter, it appears that the respondents 4 & 5 have not appeared before the Judicial Magistrate Court, Karaikudi and therefore, the private complaint proceedings filed by this petitioner is still pending at committal stage.

7.The case in Crime No.425 of 2009 is a double murder case and it appears that in view of the pendency of this writ petition, the investigation in a case of this nature is kept pending without any progress for the past 14 years.

8.In view of the facts and circumstances discussed above, this Court dispose of this writ petition in the following terms:-

i) the Superintendent of Police, Sivagangai, is directed to constitute a Special Team to conduct the investigation in Crime No.425 of 2009 on the file of the Kallal Police Station and shall also ensure that the investigation is conducted in the right manner and the final report is filed within a period of six months from the date of receipt of a copy of this order;



WP(MD)No.5922 of 2014

ii) the petitioner is at liberty to work out his remedy based on the outcome of the private complaint proceedings, which is pending on the file of the Judicial Magistrate Court, Karaikudi, in P.R.C.No.6 of 2022;

iii) the respondent Police shall ensure the appearance of the concerned accused in P.R.C.No.6 of 2022 by executing the warrant already issued by the learned Judicial Magistrate, Karaikudi;

iv) the learned Judicial Magistrate, Karaikudi, is directed to commit the case to the Court of Sessions as expeditiously as possible, preferably within a period of two months from the date of receipt of a copy of this order and on such committal, the Sessions Court shall conduct and conclude the trial as expeditiously as possible, preferably within a period of eight months from the date of committal.

There shall be no order as to costs.

Index : Yes / No
NCC : Yes / No
gk

16.06.2023



WP(MD)No.5922 of 2014

To

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1. The Secretary,
Department of Home,
State of Tamil Nadu,
Fort St. George,
Chennai – 9.
2. The Director General of Police,
Chennai.
3. The Superintendent of Police,
Sivagangai District.

Note:

Mark a copy of this order to the learned Judicial Magistrate, Karaikudi.



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WP(MD)No.5922 of 2014

B.PUGALENDHI, J.

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WP(MD)No.5922 of 2014

16.06.2023