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W.P.(MD)NO.17076 OF 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 13.07.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.17076 of 2015

Mayilvanam

... Petitioner

Vs.

1. The Secretary to Government,
Home Department,
St. George Fort,
Chennai.
2. The Commissioner,
Human Rights Commission,
Raja Annamalaipuram,
Green Ways Road,
Chennai.
3. The Director General of Police,
Radhakrishnan Salai,
Mylapore,
Chennai.
4. The Commissioner of Police,
Madurai City,
Madurai.
5. The Inspector of Police,
Vilakkuthoon (L&O) police station,
Madurai.
6. Prabhu,
Inspector of Police,
Vilakkuthoon (L&O) police station,
Madurai.

... Respondents



Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to consider the petitioner's representation dated 12.09.2015 for initiating legal action against respondents 5 and 6 herein and order adequate compensation.

For Petitioner : No appearance.

For R-1 to R-5 : Mr.S.Shanmugavel,
Additional Government Pleader.

For R-6 : No appearance.

* * *

ORDER

None appears for the petitioner.

2. I went through the contents set out in the affidavit filed in support of the writ petition.

3. The case of the petitioner is that the respondent police illegally detained her son and falsely implicated him in a murder case. The petitioner alleged that she was tortured and false confession was extracted from her.



4. Counter affidavit has been filed by the fifth respondent.

5. The allegation made by the petitioner has been denied in *toto*. The learned Additional Government Pleader would state that the petitioner's son was implicated in Crime No.803 of 2015 on the file of Vilakkuthoon police station and the case is presently pending trial in S.C.No.426 of 2018 on the file of the IV Additional District and Sessions Judge, Madurai.

6. When the trial Court is actually seized of the matter, the writ Court will not be justified in rendering any finding as regards the legality of the petitioner's son's detention. This writ petition stands dismissed. No costs.

13.07.2023

NCS : Yes / No
Index : Yes / No
Internet : Yes/ No

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Chennai.
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5

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G.R.SWAMINATHAN,J.

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