



WEB COPY



W.P.No.4056 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.02.2024

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THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.4056 of 2024

M.Kuppan @ David Kumar

...Petitioner

Vs.

- 1.The Director General of Police,
Office of the Director General of Police,
Chennai
- 2.The Superintendent of Police,
Kallakurichi District
- 3.The Inspector of Police,
Thirukovilur Police Station,
Kallakurichi District
- 4.Babu
- 5.D.Sivachandran
- 6.Ravi
- 7.Ganesh
- 8.Sivabalan

...Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the first and second respondents to conduct enquiry and take departmental action against the 4th to 8th respondents on the basis of the Circular Memorandum of the first respondent in Na.Ka.no.000252/Kutram4(2)/2019 dated 30.01.2019 by considering the petitioner's representation dated 14.12.2023 preferred to the first and second respondents in accordance with law within the time stipulated by this Court.



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For Petitioner : Mr.S.Mohamed Ansar

For Respondents
For R1 to 3 : Mrs.R.L.Karthika,
Government Advocate

ORDER

This writ petition has been filed for direction to respondents 1 and 2 to take departmental action as against respondents 4 to 8 herein.

2. The case of the petitioner is that the petitioner is working as Journalist in Thinamathi News and he is also the State Vice President in Tamilnadu Union of Journalists. He posted a news in his facebook account with regards to fixing of CCTV cameras in all the 27 wards of Tirukovilur Municipality to avoid the public nuisance and to ensure the safety of the public and school children. On the very same day, the President of Tirukovilur Municipality lodged complaint as against the petitioner before the third respondent. In pursuant to the said complaint, FIR was registered in crime No.144 of 2022 for the offence under Sections 294(b) and 506(ii) of IPC. After registration of FIR, the petitioner was arrested and remanded to judicial custody. According to the petitioner, as per the circular issued by the first respondent dated 30.01.2019, any offence committed by persons which is punishable for below seven years, the police officials should



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follow the procedure laid down under Section 41A of the Cr.P.C. However, respondents 4 to 8 did not follow the procedure and suddenly arrested the petitioner and remanded to judicial custody.

3. On perusal of records, now investigation is pending in crime no.144 of 2022 and the FIR has been registered only for the offence under Sections 294(b) and 506(ii) of IPC. Now at this stage, it cannot be said that respondents 4 to 8 violated the procedure, since investigation is still pending. As such, the prayer sought for in this writ petition cannot be considered and the writ petition is devoid of merits and liable to be dismissed.

4. Accordingly, this writ petition is dismissed. There shall be no order as to costs.

20.02.2024

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Neutral citation: Yes/No

Index: Yes/No

Speaking/Non speaking



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G.K.ILANTHIRAIYAN, J.

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To

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- 3.The Inspector of Police,
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