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W.P.No. 33023 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2024

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No.33023 of 2024

Aravinth

.. Petitioner

Versus

1. The Director General of Police,
Radha Krishnan Salai, road,
Mylapore, Chennai.

2. The Commissioner of Police,
South Zone, Alandur St Thomas mount,
Chennai.

3. The Superintendent of Police,
Manjakuppam,
Cuddalore District.

4. The Inspector of Police,
Reddychavadi Circle Police Station,
Cuddalore District.

...Respondents

Prayer: This petition is filed under article 226 of constitution of India to issue a writ of Mandamus directing the respondent to take disciplinary action against the Sub Inspector of police at Thokkanambakkam police station in Cuddalore District, based on petitioner's representation dated 16.09.2024 and pass orders.



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For Petitioner
For Respondent

: Mr.S. Kasirajan
: Mr.Stalin Abhimanyu
Additional Government Pleader

ORDER

This petition is filed to issue a writ of Mandamus directing the respondent to take disciplinary action against the Sub Inspector of police at Thokkanambakkam police station in Cuddalore District, based on my representation dated 16.09.2024 and pass orders.

2.The facts of case is that on 11.08.2024 the petitioner who is an advocate along with his client went to the Thookkanambakkapm police station to lodge a complaint, at that time the Inspector of police was not available in the police station. The sum and substance of the case is that sub-inspector of police disrespectfully told the petitioner to leave the police station, if not she will register a case against the petitioner and all the incidents was recorded in the CCTV Camera of the police station. Hence, the petitioner has made a representation to the respondent 16.09.2024 in this regard, however there was no response till date, which has given rise to this petition.



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3. The learned counsel for the petitioner submitted that there is no legal bar for an advocate accompanying the client during investigation. He further submitted that the Sub-Inspector of Police ill-treated the petitioner and the same is evident from the CCTV footage available in the police station. In spite of the representations given to the respondents in this regard they have not taken any action in this regard. Hence, prays to allow this petition.

4. The learned Government Pleader filed a counter, wherein it was stated that the petitioner has prayed to initiate disciplinary action against the Sub-Inspector of Police, but the fact remains that no third party has any vested rights to initiate Departmental Action against an employee. It is stated that in spite of the fact that the Sub-Inspector of police instructed the petitioner and his client to wait in the visitors room he went into the Sub-Inspector room and perused the files, which is illegal. Further the petitioner behaved impolitely.

5. On a perusal of counter affidavit it is seen that action has been taken in the said issue by the 4th respondent. A C.S.R. has been filed



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against the Sub-Inspector of police and she has been instructed that the persons who are coming to the police station may come with a stress to lodge the complaint and we have to behave politely and guide them in a proper manner. However, they condemn the act of the petitioner who entered into the official room of the Inspector of Police and took the confidential files.

6. The main contention of the Additional Government Pleader is that a criminal complaint has been lodged against 120(B),r/w 307,307 r/w 113 of I.P.C, wherein the petitioner was arrayed as 4th accused. Charge sheet was also filed before the Judicial Magistrate-II, Cuddalore and the same is pending. The facts of the said case is that due to personal enmity some anti social elements entered into a house and set fire and the petitioner is the main accused in the case. The petitioner being an advocate indulging in this type of illegal activities is not fair and this Court is completely dissatisfied with the act of the petitioner.

7. The petitioner went to the police station to lodge a complaint and he ought to have be seated in the visitors room and he has no right to



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enter into the room of the Inspector of Police. The petitioner being an Advocate should give guidance to his client and he himself should not agitate along with his client. Even assuming there was some injustice caused to him in the police station by the Sub-Inspector, he ought to have approached the concerned authorities and inform the situation and he cannot instruct to take disciplinary action against a the Sub-Inspector of police, which reveals the conduct of the petitioner. If a disciplinary action has to be taken against a Government employee, it can be initiated initiated only by the concerned Government Authorities and a individual has no right to insist the same.

8.In view of the above facts it is made clear that there is no merits in the submissions made by the petitioner and this petition deserves to be dismissed. Accordingly this petition is dismissed. No order as to costs. Consequently the connected miscellaneous petition is closed.

18.12.2024

Speaking order : Yes/No
Neutral citation : Yes/No
Index : Yes/No
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V.BHAVANI SUBBAROYAN, J.

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