



W.P.(MD)Nos.1028 & 1782 of 2021 & 12669 & 14121 of 2020

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 19.03.2024

DELIVERED ON : 10.04.2024

CORAM

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

W.P.(MD)Nos.1028 & 1782 of 2021 & 12669 & 14121 of 2020

W.P.(MD) No.1028 of 2021

I. Kalanthar Ashik Ahamed

... Petitioner

Vs.

1. The Inspector General of Prisons,
Tamil Nadu Prison Department,
Whannels Road, Egmore, Chennai.
2. The Deputy Inspector General of Prisons,
Central Prison, Madurai.
3. The Superintendent,
Central Prison, Madurai.
4. The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.
(Crime No.55 of 2020)
5. Bobby Rajalakshmi
6. Pugalendhi Ganesh

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Formerly the Deputy Superintendent of Police
Thiruvadanai Sub Division,
Ramanathapuram District, presently serving
at Chengalpattu, Chengalpattu District.

7. Rajeshwari,
The Inspector of Police, Thondi Police Station,
Ramanathapuram District,
Now Inspector of Police, Vigilance and Anti-
Corruption Unit, Ramanathapuram District.
8. Kalarani
The Inspector of Police, All Women Police Station,
Thiruvadanai, Ramanathapuram District.
Now Inspector of Police, Ulagampatti
Police Station, Sivagangai District.
9. Jothi Murugan
The Sub Inspector of Police, Thondi Police
Station, Ramanathapuram District,
Now Inspector of Police, Vadamadurai
Police Station, Dindigul District.
10. Saravanan
The Sub Inspector of Police, Thondi Police
Station, Ramanathapuram District,
Now Sub Inspector of Police,
Mudhukulathur Police Station,
Ramanathapuram District.
11. Muruganandham,
Special Sub Inspector of Police, Special Branch,
Thiruvadanai Sub Division,
Ramanathapuram District.
12. Subash Chandra Bose,



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The Head Constable, Thondi Police Station,
Ramanathapuram District
Now Head Constable, P.E.W.
Ramanathapuram, Ramanathapuram District. ...Respondents

R5 is impleaded vide court order dated 16.03.2022 in
WMP(MD) No.3739 of 2022 in W.P.(MD) No.1028 of 2021

R6 to R12 are impleaded vide Court order dated 13.02.2024 in
WMP(MD) 26525/2023 in WP(MD) No.1028/2021.

W.P.(MD) No.1782 of 2021

I. Kalanthar Ashik Ahamed ... Petitioner
Vs.

1. The Secretary to the Government,
Public, Home and Excise Department,
St. George Fort, Chennai
2. The Director General of Police,
Beach Road, Chennai.
3. Pugalendhi Ganesh
Formerly the Deputy Superintendent of Police
Thiruvadanai Sub Division,
Ramanathapuram District, presently serving
at Chengalpattu, Chengalpattu District.
4. Rajeshwari,
The Inspector of Police, Thondi Police Station,
Ramanathapuram District,
Now Inspector of Police, Vigilance and Anti-
Corruption Unit, Ramanathapuram District.
5. Kalarani



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The Inspector of Police, All Women Police Station,
Thiruvadanai, Ramanathapuram District.
Now Inspector of Police, Ulagampatti
Police Station, Sivagangai District.

6. Jothi Murugan

The Sub Inspector of Police, Thondi Police
Station, Ramanathapuram District,
Now Inspector of Police, Vadamadurai
Police Station, Dindigul District.

7. Saravanan

The Sub Inspector of Police, Thondi Police
Station, Ramanathapuram District,
Now Sub Inspector of Police,
Mudhukulathur Police Station,
Ramanathapuram District.

8. Muruganandham,

Special Sub Inspector of Police, Special Branch,
Tiruvadanai Sub Division,
Ramanathapuram District.

9. Subash Chandra Bose,

The Head Constable, Thondi Police Station,
Ramanathapuram District
Now Head Constable, P.E.W.
Ramanathapuram, Ramanathapuram District. ...Respondents

R3 to R9 are impleaded vide Court order dated 13.02.2024 in WMP(MD)
26550/2023 in WP(MD) No.1782/2021.

W.P.(MD) No.12669 of 2020

I. Kalanthar Ashik Ahamed

... Petitioner

Vs.



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1. The State of Tamil Nadu,
Represented by its Home Secretary (Police),
Secretariat, Chennai.
2. The Director General of Police,
DGP Office, Beach Road,
Mylapore, Chennai.
3. The Inspector General of Police,
South Zone, Madurai,
Madurai District.
4. The Deputy Inspector General of Police,
Ramanathapuram Range,
Ramanathapuram, Ramanathapuram District.
5. The Superintendent of Police,
Ramanathapuram District, Ramanathapuram,
6. The Inspector of Police,
Thondi Police Station, Thondi
Ramanathapuram District
7. Pugalendhi Ganesh
Formerly the Deputy Superintendent of Police
Thiruvadanai Sub Division,
Ramanathapuram District, presently serving
at Chengalpattu, Chengalpattu District.
8. Rajeshwari,
The Inspector of Police, Thondi Police Station,
Ramanathapuram District,
Now Inspector of Police, Vigilance and Anti-
Corruption Unit, Ramanathapuram District.



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9. Kalarani

The Inspector of Police, All Women Police Station,
Thiruvadanai, Ramanathapuram District.
Now Inspector of Police, Ulagampatti
Police Station, Sivagangai District.

10. Jothi Murugan

The Sub Inspector of Police, Thondi Police
Station, Ramanathapuram District,
Now Inspector of Police, Vadamadurai
Police Station, Dindigul District.

11. Saravanan

The Sub Inspector of Police, Thondi Police
Station, Ramanathapuram District,
Now Sub Inspector of Police,
Mudhukulathur Police Station,
Ramanathapuram District.

12. Muruganandham,

Special Sub Inspector of Police, Special Branch,
Tiruvadanai Sub Division,
Ramanathapuram District.

13. Subash Chandra Bose,

The Head Constable, Thondi Police Station,
Ramanathapuram District
Now Head Constable, P.E.W.
Ramanathapuram, Ramanathapuram District. ...Respondents

R7 to R13 are impleaded vide Court order dated 13.02.2024 in
WMP(MD) 26528/2023 in WP(MD) No.12669/2020.



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WEB CO **W.P.(MD) No.14121 of 2020**

I. Kalanthar Ashik Ahamed

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Secretary,
Health and Family Welfare Department,
Chennai.
2. The President,
Tamil Nadu Medical Council,
Chennai.
3. The Deputy Director,
Health and Family Welfare Department,
Ramanathapuram,
4. The Dean,
The Government Hospital,
Ramanathapuram.
5. Dr. Manimudi, Assistant Surgeon,
Government Hospital, Thiruvadanai,
Ramanathapuram District.
6. Dr. Venkatesh, Assistant Surgeon,
Government Hospital, Thiruvadanai,
Ramanathapuram District.
7. Mareeswari, Staff Nurse,
Government Hospital, Thiruvadanai,
Ramanathapuram District.
8. Uma Devi, Staff Nurse,



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Government Hospital, Thiruvadanai,
Ramanathapuram District

9. Pugalendhi Ganesh

Formerly the Deputy Superintendent of Police
Thiruvadanai Sub Division,
Ramanathapuram District, presently serving
at Chengalpattu, Chengalpattu District.

10. Rajeshwari,

The Inspector of Police, Thondi Police Station,
Ramanathapuram District,
Now Inspector of Police, Vigilance and Anti-
Corruption Unit, Ramanathapuram District.

11. Kalarani

The Inspector of Police, All Women Police Station,
Thiruvadanai, Ramanathapuram District.
Now Inspector of Police, Ulagampatti
Police Station, Sivagangai District.

12. Jothi Murugan

The Sub Inspector of Police, Thondi Police
Station, Ramanathapuram District,
Now Inspector of Police, Vadamadurai
Police Station, Dindigul District.

13. Saravanan

The Sub Inspector of Police, Thondi Police
Station, Ramanathapuram District,
Now Sub Inspector of Police,
Mudhukulathur Police Station,
Ramanathapuram District.

14. Muruganandham,

Special Sub Inspector of Police, Special Branch,



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Tiruvadanai Sub Division,
Ramanathapuram District.

15. Subash Chandra Bose,
The Head Constable, Thondi Police Station,
Ramanathapuram District
Now Head Constable, P.E.W.
Ramanathapuram, Ramanathapuram District. ...Respondents

R5 to R8 are impleaded vide Court order dated 31.03.2022 in
WMP (MD) No.12773/2020 in W.P. (MD) No.14121/2020

R9 to R15 are impleaded vide Court order dated 13.02.2024 in
WMP(MD) 26532/2023 in WP(MD) No.14121/2020.

Prayer in W.P.(MD)No.1028 of 2021 : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 3 to consider and dispose of the petitioner's representation dated 15.09.2020 sent in connection with the F.I.R. in Crime No.55 of 2020 of Thondi Police Station, Ramanathapuram District as expeditiously as possible.

Prayer in W.P.(MD)No.1782 of 2021 : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to pay a sum of Rs.50,00,000/- as compensation for registering a false case against the petitioner in Crime No.55 of 2020 of Thondi Police Station, Ramanathapuram District and for the consequent petitioner's illegal detention, by considering the representation dated 24.12.2020 as expeditiously as possible.

Prayer in W.P.(MD)No.12669 of 2020 : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 and 4 to consider the petitioner's representation dated 04.09.2020 and consequently accord sanction for prosecution within the time frame stipulated by this Court.

Prayer in W.P.(MD)No.14121 of 2020 : Writ Petition filed under Article



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226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 4 to consider and dispose of the the petitioner's representation dated 16.09.2020 against the doctors and staff of Government Hospital, Tiruvadanai for recording false statements while mentioning the cause of the petitioner's injuries in the medical records maintained by them at Government Hospital, Tiruvadanai, as expeditiously as possible.

For Petitioner : Mr. R. Anand (in all W.Ps)

For Respondents

W.P.(MD) No.1028 of 2021

For R1 to R4 : Mr. Veera Kathiravan,
Additional Advocate General
Assisted by Mr. M. Sakthi Kumar,
Government Advocate.
For R5 : Mr. P. Gunasekaran
For R6 : Mr. R. Gandhi, Senior Counsel
for Mr.S. Srinivasa Raghavan
For R9 : Mr. N. Sathishwaran

W.P.(MD) No.1782 of 2021

For R1 & R2 : Mr. Veera Kathiravan,
Additional Advocate General
Assisted by Mr. M. Sakthi Kumar,
Government Advocate.
For R3 : Mr. R. Gandhi, Senior Counsel
for Mr.S. Srinivasa Raghavan

W.P.(MD) No.12669 of 2020

For R1 to R6 : Mr. Veera Kathiravan,
Additional Advocate General
Assisted by Mr. M. Sakthi Kumar,
Government Advocate.
For R7 : Mr. R. Gandhi, Senior Counsel



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for Mr.S. Srinivasa Raghavan

W.P.(MD) No.14121 of 2020

For R1 to R4 : Mr. Veera Kathiravan,
Additional Advocate General
Assisted by Mr. Sakthi Kumar,
Government Advocate.
For R5 to R8 : Mr. R. Anandaraj
For R9 : Mr. R. Gandhi, Senior Counsel
for Mr.S. Srinivasa Raghavan

COMMON ORDER

The petitioner I. Kalanthar Ashik Ahamed is an Advocate by profession and a resident of Thondi, Ramanathapuram District. He has filed all the four Writ Petitions seeking different reliefs from various official and private respondents.

2. For better understanding, the entire sequence of events leading to these petitions is narrated below.

2.1. According to the petitioner it all started with his participation in a protest against the then proposed Citizenship



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Amendment Act (CAA). An FIR in Crime No.6/2020 was registered by Thondi Police Station against him for the offences under Sections 143 and 279 IPC and Sections 75 and 83(2) of the Juvenile Justice (Care and Protection of Children) Act, 2015. His contention is that he was targeted singly by the Police Officials attached to the Deputy Superintendent of Police Office, Thiruvadanai in Ramanathapuram District, from then on.

2.2. On 05.03.2020, based on a complaint given by one Murugesan, F.I.R. in Crime No. 54 of 2020 of Thondi Police Station was registered against the present petitioner and four others for the offences punishable under Sections 109, 420, 465, 468, 336 & 304(ii) IPC, Section 15(3) of the Indian Medical Council Act, 1956 and Sections 8 & 3(1) of the Tamil Nadu Private Clinical Establishments (Regulation) Act, 1997. Murugesan had given a complaint against one Bobby Rajalakshmi of Nila Clinic, Thondi and four others. The present petitioner was arrayed as the 5th accused. The said Murugesan's mother expired due to the wrong diagnosis and treatment by Bobby Rajalakshmi who turned out to be a quack running the said Nila Clinic. The charge against the present



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petitioner was that he had allegedly supported her financially and was her associate. Subsequently, he was enlarged on bail on 11.03.2020 in this case.

2.3. However, on 06.03.2020 another FIR in Crime No.55/2020 was also registered against the petitioner under Sections 294(b) and 354 (A) IPC and 3(i)(r), 3(i)(s) and 3(i)(w)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. This was based on the complaint by Bobby Rajalakshmi (who was interestingly the accused No.1 in the F.I.R. in Crime No.54/2020), based on which he was remanded to judicial custody again on 14.05.2020. This complaint was that the present petitioner had sexually harassed and misbehaved with her. Moreover, as she belonged to SC/ST community, sections under SC/ ST (Prevention of Atrocities) Act were also included in the charge.

2.4. FIRs in Crime Nos.54 and 55 of 2020 were quashed on 04.08.2023 and 01.12.2020 by this Court in CrI.OP(MD) No.8322 of 2020 and CrI. OP (MD) No.10059 of 2020 respectively.



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3. Two of the Writ Petitions in W.P.(MD) No.1028 of 2021 and W.P. (MD) No.14121 of 2020 have to be considered together since both the prayers have similarity. The representations of the petitioner in both these matters seek directions to the Superior Officers of two departments to initiate disciplinary proceedings against their erring officials.

3.1. In W.P(MD) No.14121/2020, the petitioner had sought for a direction to the respondents 1 to 4 , namely, (1) The Secretary to Government, Health and Family Welfare Department, Chennai, (2) The President, Tamil Nadu Medical Council, Chennai, (3). The Deputy Director, Health and Family Welfare Department, Ramanathapuram and (4), The Dean, The Government Hospital, Ramanathapuram, to consider and dispose of the petitioner's representation dated 16.09.2020. This representation was in respect of furnishing false information regarding the cause of petitioner's injuries in the Medical records of General Hospital Tiruvadanai, Ramanathapuram district by Dr. Venkatesh, Dr.Manimudi and Nurses Mareeswari and Umadevi. His grievance was that though he suffered injuries due to the physical assault with an iron rod by Thiru.



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Pugalendhi Ganesh, Deputy Superintendent of Police, Tiruvadanai and Thiru.Saravanan, Sub Inspector of police, Thondi Police Station, on 14.05.2020 when he was arrested by them, the medical report mentioned it as a self inflicted injury. According to him the doctors and nurses named by him had deliberately suppressed vital information at the behest of the police officials. The petitioner had prayed for regular disciplinary action against the erring medical doctors and staff of General Hospital Thiruvadanai.

3.2. Similarly in the other Writ Petition in W.P.(MD) No.1028 of 2021 he sought relief in the form of a direction to respondents 1 to 3, namely, (1). The Inspector General of Prisons, Tamil Nadu Prison Department, Chennai, (2). The Deputy Inspector General of Prisons, Central Prison, Madurai, and (3). The Superintendent, Central Prison, Madurai, to consider and dispose of the petitioner's representation dated 15.09.2020 in connection with cause of injury on his person. This representation dated 15.09.2020 was again about the alleged wrong entry in the jail records regarding the cause of injury on the petitioner's person



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which was actually caused by the physical assault with an iron rod by Pugalendhi Ganesh, the Deputy Superintendent of Police Thiruvadanai and Saravanan, Sub Inspector of Police, Thondi, when he was arrested on 14.05.2020 but recorded by Thiru. Duraisingam, the Jail Superintendent and Thiru.Senthilnathan, Head Constable, as 'self inflicted injury'. According to the petitioner, he had solid documentary evidence to prove that the injury was not self inflicted and it was due to the assault by the Deputy Superintendent of Police, Thiruvadanai and Sub Inspector of Police of Thondi Police Station. In this petition also he had sought for a direction to the IG of Prisons and DIG of Prisons, to initiate disciplinary action against the above named prison officials.

3.3. As such both these Writ Petitions have similar pleas, i.e., to direct the higher officials of the respective departments, namely, Health Department and the Prison Department to initiate disciplinary action on the erring officials for allegedly distorting the facts about his injuries.



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3.4. The Writ Petition in WP (MD) No. 12669/2020 is filed by the petitioner praying for directions by this Court to the Home Secretary (Police), State of Tamil Nadu, and the Deputy Inspector General of Police, Ramanathapuram District, to consider the petitioner's representation dated 04.09.2020 seeking sanction for prosecution against Thiru. Pugalendhi Ganesh, Deputy Superintendent of Police and Thiru.Saravanan, Sub-Inspector of Police for his 'illegal' arrest and detention in Crime No. 55/2020 of Thondi police station.

3.5. In W.P.(MD) No.1782 of 2021, the petitioner has sought a Mandamus to direct the Home Secretary, Tamil Nadu Government to pay a sum of Rs.50,00,000/- as compensation for the registration of false case in Crime No.55/2020 and also for early disposal of representation dated 24.12.2020 regarding illegal detention.

4. These being the facts of the case, Mr.R.Anand,the learned counsel for the petitioner highlighted as to how all these writ petitions were relevant and how the petitioner has been made to run from pillar to



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post for getting justice. Firstly in all his representations to the concerned authorities, the petitioner has relied on;

- a) the remand report dated 14.05.2020 in which the Judicial Magistrate who remanded the petitioner has mentioned about the cause of the injuries as "assault by Pugalendhi Ganesh, the Deputy Superintendent of Police and Saravanan, the Sub Inspector of Police" and
- b) the medical report dated 21.05.2020 when the petitioner, as a remand prisoner, was taken to Thirupathur Government Hospital for complaint of pain.

4.1. Secondly, the petitioner sought for the CCTV footage through RTI but was not provided with, citing the reason that the cameras were under repair and therefore no footage could be retrieved. His contention was that he was put in a disadvantageous position because of this.

5. On the other side, the Learned Counsels for the respondents focused on how the CrI.OP(MD) No.10059 of 2020 was allowed and the



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FIR in crime no. 55/2020 was quashed. Their argument was that the defacto complainant in Crime No.55/2020 is one Bobby Rajalakshmi. It is established that she was arrayed as the prime accused in Crime No. 54/2020. She has the dubious distinction of being a quack and also an impersonator (as an IT official). That such a person was the complainant and subsequently had given an affidavit dated 24.10.2020 stating that she did not lodge any complaint with the police and she had 'no objection' over the withdrawal of the case, is puzzling, to say the least. The FIR in Crime no. 55/2020 was quashed by a Single Judge of this court in Crl. OP(MD) No.10599/2020 on 01-12-2020 based on this affidavit. It was pointed out that it was such an awful collusion between the two accused, one of whom is the defacto complainant. This is a blatant attempt to hoodwink the law, it was argued. It is not the case that the present petitioner was acquitted in Crime No.55/2020. It was only compromised based on the defacto complainant's 'compromise' affidavit and that too on serious charges for offences like sexual harassment and also under SC/ST Prevention of Atrocities Act.



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5.1. Another contention raised by them was regarding the similarity of prayers in WP(MD) No.1028/2020 and WP (MD)No. 14121/2020 with that in an earlier WP (MD) No.10362/2021 filed by the same petitioner seeking directions to the Police authorities to initiate disciplinary proceedings against the same police officials allegedly involved in arrest of the petitioner in FIR in Crime no. 55/2020. The petition in W.P.(MD) No.10362/2021 was dismissed on 03-02-2022 by a Single Judge (Hon'ble Mr.Justice G.R.Swaminathan), of this Court. In the WP(MD) No. 10362/2020, the following observations of the Single Judge are relevant to these two writ petitions,it was pointed out.

“ The petitioner has informed the disciplinary authorities about the acts committed by the third respondent. It is for the disciplinary authority concerned to take appropriate action. The petitioner has no right to compel the authority concerned to initiate disciplinary action against the third respondent. No such right inheres in the petitioner. It is well settled that a Writ of Mandamus will lie only to enforce a legal right. When there is no such legal right inhering in the petitioner, the Writ of Mandamus will not lie. Even if I assume that the third respondent has erred or committed misconduct, still, it is left to the discretion of the disciplinary



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authority to initiate action against him. Both the requests made by the petitioner in his representation cannot be enforced by way of Writ of Mandamus. Leaving open all the other rights and remedies, the Writ Petition stands dismissed."

This order was not challenged by the present petitioner.

5.2. The learned Counsels for the respondents also contended that the direction for sanction for prosecution as sought for in W.P. (MD)No.12669 of 2020 is not maintainable as sanction for prosecution is not an empty formality and relied on the Apex Court's ruling in ***Mohd. Iqbal Ahmed v. State of AP, (AIR 1979 SCC 677)***, which had emphasised on two significant aspects of sanction for prosecution.

"First, any case instituted without a proper sanction must fail as the entire proceedings are rendered void abinitio.....Secondly, the Sanctioning Authority must be satisfied that a case for sanction has been made out constituting the offence, the Sanctioning Authority at the time of giving sanction must be aware of the facts constituting the offence and must apply its mind.The grant of sanction is not



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an idle formality . It is a sacrosanct act which affords protection to the Government Servants against frivolous prosecution.”

5.3. The learned counsels for the respondents also argued that the prayer in WP(MD) No. 1782 of 2021 to direct the Home Secretary, Tamilnadu Government to pay a sum of Rs. 50,00,000/- as compensation for the registration of false case in Crime no. 55/2020 and also for early disposal of representation dated 24-12-2020 regarding illegal detention, was ill-conceived and deliberate attempt to circumvent law. It was pointed out that when the petitioner was summoned to appear before the Superintendent of Police, Ramanathapuram, for enquiry, regarding his representation dated 24-12-2020, he refused to even accept the summons thereby indicating his reluctance to participate in the truth finding exercise. But in this petition his prayer is for direction to the Home Secretary and Director General of Police for early disposal of the representation dated 24.12.2020. Besides this, he had prayed for compensation of Rs.50,00,000/-. In this context it is also pointed out by the learned counsels for the respondents that the petitioner had



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simultaneously approached the State Human Rights Commission (SHRC) in SHRC Case No.3005/2020 and also had suppressed the material information of the pending Writ Petitions. This extract from the order of SHRC dated 14.10.2022 would be self explanatory.

"As I already pointed out, the Writ Petition filed by the complainant in W.P.(MD) No.10362/2021 was dismissed. It is also pertinent to note that the Respondents had not brought to the notice of this Commission about the pending of the Writ Petitions filed by the Complainant before the Hon'ble Madurai Bench of Madras High Court in W.P.(MD) No.12669/2020 and W.P.(MD) No.1782/2021 at the time of filing of petition under Regulation 9(g) of State Human Rights Commission Tamil Nadu (Procedure) Regulations, 1997. Though they had not mentioned this fact in the said petition, at the time of argument they had filed the copies of the above writ petitions before this Commission for the perusal of the same. But the complainant also failed to mention the above said writ petitions filed by him before the Hon'ble Madurai Bench of Madras High Court praying to prosecute against the respondents and for compensation of Rs.50 lakhs to him for the same cause of action. Nowhere it is stated by the complainant for suppressing the filing of the



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above writ petitions before the Hon'ble High Court. Therefore, the complainant has not approached this Commission with clean hands and suppressed the pending of the said writ petitions before the Hon'ble Madurai Bench Madras High Court.”

5.4. It was also contended that the present petitioner also approached the Judicial Magistrate, Thiruvadanai, under Section 156(3) Cr. P.C in C.M.P. No. 2907/2022 seeking compensation of Rs.20 lakhs as well as registration of FIR against the Police Official. This petition was forwarded to the Inspector of Police, Thiruvadanai, who after preliminary enquiry filed a closure report dated 03.10.2022. Thereafter, the petitioner filed W.P.(MD) No.17008/2022 in this Court. He had prayed for a direction to the Superintendent of Police, Ramanathapuram and Inspector of Police, Thondi to comply with the order dated 08.09.2022 of Judicial Magistrate, Thiruvadanai in C.M.P. No.2907 of 2022. In this order, this Court had directed the Superintendent of Police, Ramanathapuram and Inspector of Police, Thondi to hold an enquiry and register a case against the police official, if a cognizable offence is made out. This prompted the



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Superintendent of Police, Ramanathapuram to instruct the Additional Superintendent of Police, CWC, Ramanathapuram District to enquire and submit his findings in the matter. The Additional Superintendent of Police, vide his report dated 03.12.2023 had concluded that there is no iota of truth in the allegations made by the petitioner against the police officials. It was contended by the counsels that the petitioner has been desperate in getting a favourable order and left no stone unturned but failed in all his attempts as he was lying.

5.5. The learned counsels for the respondents also brought to light the fact that the SHRC in Case No.3005/2020 had ordered a separate independent enquiry by the Superintendent of Police, Head Quarters, Ramanathapuram and a report dated 07.12.2020 was obtained. The SHRC had observed regarding this report thus:

"This Commission after the receipt of this complaint forwarded the same to the Superintendent of Police, Ramanathapuram District to conduct an enquiry and to submit a report to this Commission. The said Officer



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nominated the Additional Superintendent of Police (HQ), Ramanathapuram District as Enquiry Officer and he examined the witnesses and recorded their statements and submitted the report dated 07.12.2020 to this Commission. The said officer had specifically stated that two criminal cases were registered against the complainant by the Thondi Police and he was arrested by the Investigating Officer and remanded to judicial custody in accordance with law. But the complainant, who is a practicing advocate, exaggerated the matters and filed this complaint with false allegations against the respondents. Therefore, the Officer submitted that the action on the part of the respondents is in accordance with law and there is no violation of human rights of the complainant.”

6. Having gone through all the records and after careful consideration of the submissions of both sides, this Court observes as under;

- It is well settled that a third party not connected with any service dispute cannot maintain a writ petition invoking Article 226 of the Constitution of India on the service side seeking a writ of mandamus to direct the higher officials to take action against any



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- It is true that the remand report dated 14.05.2020 does contain the cause of the head injury as due to 'assault by the police officials' named by the petitioner. There is no mention of iron rod. There is no mention of urgent medical treatment also. In the Medical Report dated 21.05.2020 also, when he was taken as a remand prisoner to the Thirupathur Government Hospital, the cause of injury is not mentioned. It only says that the injury on the scalp as one week old.
- The Judicial Magistrate has only directed for medical treatment by the Jail Superintendent, if necessary, which goes to show that no serious injury was found on his person. The nature of injury has been clearly exaggerated by him because had it been a serious injury, the Judicial Magistrate would have mentioned it specifically and advised urgent medical treatment.
- It is also observed from the records that the petitioner had given a representation dated 24.12.2020 to the Director General of Police, Tamil Nadu, seeking action against Thiru.Pugalendhi Ganesh, Deputy Superintendent of Police, for illegal detention and other



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acts, which was replied to by the Superintendent of Police, Ramanathapuram vide letter dated 20.07.2021 in which it is categorically mentioned that the petitioner refused to accept the summons and refused to appear before the Superintendent of Police, Ramanathapuram, thereby constraining the latter to stop further proceedings on the enquiry. The version of the petitioner was found to be exaggerated and pertinently this letter was not brought to the knowledge of this Court in W.P.(MD) No.10362/21.

- None of the three independent enquiry reports dated 7.12.2020, 3.10.2022 and 3.12.2023 found any truth in the version of the present petitioner. The first one was by the Additional Superintendent of Police (HQ) Ramanathapuram, complying with the directions of SHRC in C.No.3005/2020. The second one by the Inspector of Police, Tiruvadanai Police Station complying with the directions of the Judicial Magistrate, Thiruvadanai in C.M.P. 2907/2022 resulting in a closure report. The third one by Additional Superintendent of police (CWCA), Ramanathapuram, complying with the instructions of this court in W.P(MD) No.17008/2022.



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- It is well settled that compensation cannot be claimed in a case where no misconduct is proved against the officials. It has to be examined whether there was justification for bypassing the normal remedies available under the ordinary civil law. In the instant case, the three independent enquiries could not find any fault with the conduct of the police officials.
- As regards the availability of CCTV footage, it was clearly mentioned as not available as could be deciphered from the RTI information. This has been taken advantage by the petitioner. However, there has been a two months gap between the first arrest for Crime No.54/2020 and the second arrest for crime No.55/2020. The petitioner was enlarged on bail on 11.3.2020 and he was arrested the second time only on 14.5.2020.
- All the contentions of the respondents' counsel carry conviction and therefore the scope of Writ of Mandamus for directing employers/ higher officials/ disciplinary authorities to initiate disciplinary action against erring employees is ruled out.
- As already settled the sanction of prosecution is not an empty



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formality. In the instant case the petitioner has not made out any offence against the police officials for this court to direct the sanctioning authority to accord sanction for prosecution for his private complaint under section 200 Cr.P.C./ protest petition.

- The avenue of Sec 156(3) Cr PC has already been tried by the present petitioner in C.M.P. No.2907 of 2022 in the Judicial Magistrate Court of Thiruvadanai and the police had filed a closure report. Even assuming that the present petitioner has protested the verdict in this petition, he cannot keep abusing the provisions of law with no truth in his allegation. Therefore, the petition in WP(MD) No.12669 of 2020 is not maintainable.

7. Thus what is evident is the exaggerated version and multiple attempts by the petitioner to 'avenge' his alleged 'illegal arrest' and 'ill treatment'. He has been time and again proved wrong. He has brazenly attempted to abuse the process of law. There are two clear aspects to this case. One is that, no writ of mandamus can be invoked for directing higher officials of any Government department to initiate disciplinary



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proceedings against erring officials. The second aspect is that this petitioner has avoided to appear in person before the Superintendent of Police, Ramanathapuram, to explain his case when summoned and instead taken this route to abuse the process of law. Valuable time of the courts as well as other officials have been wasted due to such irresponsible attempts on the part of the petitioner. The petitioner is an advocate by profession but has exhibited a conduct which is most unbecoming of one. Such brazen attempts to browbeat the system is deprecated. Criminal delivery system has its own checks and balances. Aspersions cannot be cast on anyone in the system without any basis. There are many undertrials languishing in prisons. Many convicts who are set free by the High Courts. Many convictions get overturned. If everyone of them approach courts and flood them with such frivolous petitions and do not believe the process, it would lead to chaos. In the instant case, three independent enquiries were conducted and nothing incriminating was found. In the fourth enquiry, the summons issued to the present petitioner was refused to be received by him. Suppressing the material facts and testing the legal system is dangerous. Being an advocate himself, such futile attempts only



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shows the resilience of the system and the firewall protecting it. Therefore, this Court is constrained to impose a cost of Rs.1,00,000/- on the petitioner for such a brazen attempt to circumvent law. This amount has to be paid to Pugalendhi Ganesh, the Deputy Superintendent of Police Thiruvadanai and Saravanan Inspector of Police Thondi Police Station @ Rs.50,000/- each. All the Judicial Magistrate Courts are hereby directed to desist from taking on file any petition which pertains to the FIR in Crime No.55/2020 of Thondi Police Station. Similar instructions are also given to all the Police Stations to desist from taking up any petition related to the earlier Crime No.55/2020 of Thondi Police Station.

8. In the result, all the four Writ Petitions are dismissed with costs.

10.04.2024

bga
Index : yes/no
Speaking /Non speaking Order



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1. The Inspector General of Prisons,
Tamil Nadu Prison Department,
Whannels Road, Egmore, Chennai.
2. The Deputy Inspector General of Prisons,
Central Prison, Madurai.
3. The Superintendent,
Central Prison, Madurai.
4. The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.
(Crime No.55 of 2020)
5. The Secretary to the Government,
Public, Home and Excise Department,
St. George Fort, Chennai
6. The Director General of Police
Beach Road, Chennai.
7. The State of Tamil Nadu,
Represented by its Home Secretary (Police),
Secretariat, Chennai.
8. The Director General of Police,
DGP Office, Beach Road,
Mylapore, Chennai.
9. The Inspector General of Police,
South Zone, Madurai,
Madurai District.
10. The Deputy Inspector General of Police,
Ramanathapuram Range,
Ramanathapuram, Ramanathapuram District.
11. The Superintendent of Police,
Ramanathapuram District, Ramanathapuram.
12. The State of Tamil Nadu,
Represented by its Secretary,
Health and Family Welfare Department,
Chennai.



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13. The President,
Tamil Nadu Medical Council,
Chennai.
14. The Deputy Director,
Health and Family Welfare Department,
Ramanathapuram.
15. The Dean,
The Government Hospital,
Ramanathapuram.
16. Dr. Manimudi, Assistant Surgeon,
Government Hospital, Thiruvadanai,
Ramanathapuram District.
17. Dr. Venkatesh, Assistant Surgeon,
Government Hospital, Thiruvadanai,
Ramanathapuram District.
18. Ms. Mareeswari, Staff Nurse,
Government Hospital, Thiruvadanai,
Ramanathapuram District.
19. Ms. Uma Devi, Staff Nurse,
Government Hospital, Thiruvadanai,
Ramanathapuram District.
20. Mr. Pugalendhi Ganesh
Formerly the Deputy Superintendent of Police
Thiruvadanai Sub Division,
Ramanathapuram District, presently serving
at Chengalpattu, Chengalpattu District.
21. Mr. Saravanan
The Sub Inspector of Police, Thondi Police
Station, Ramanathapuram District,
Now Sub Inspector of Police,
Mudhukulathur Police Station,
Ramanathapuram District.
22. Jothi Murugan
The Sub Inspector of Police, Thondi Police
Station, Ramanathapuram District,
Now Inspector of Police, Vadamadurai



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Police Station, Dindigul District.

23. Jothi Murugan

The Sub Inspector of Police, Thondi Police
Station, Ramanathapuram District,
Now Inspector of Police, Vadamadurai
Police Station, Dindigul District.



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R. HEMALATHA, J.

bga

Pre-delivery common order in
W.P.(MD)Nos.1028 & 1782 of 2021 &
12669 & 14121 of 2020

10.04.2024