



WP(MD) No.5053 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: **19.03.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE SATHI KUMAR SUKUMARA KURUP**

W.P.(MD) No.5053 of 2024

Palanisamy

... Petitioner

/vs./

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Dindigul District.
- 2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Vedasandhur Sub Division,
Dindigul District.
- 3.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Social Justice and Human Rights Wing,
Dindigul District.
- 4.The Inspector of Police,
Vedasandhur Police Station,
Dindigul District.

5.Saravanan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondents 1 to 4 to take appropriate action on the basis of the Petitioner's representation dated 03.02.2024 in accordance with law within the time stipulated by this Court.



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For Petitioner : Mr.R.Alagumani
For R-1 to R-4 : Mr.B.Thanga Aravindh
Government Advocate (Criminal Side)
For R-5 : Mr.J.Dhilip Kumar

ORDER

When the case came up for hearing on 19.03.2024, this Court passed the following order:

“The learned Counsel for the Petitioner submitted that the Petitioner had filed this petition seeking direction against the Respondents 1 to 4 based on the complaint of the Petitioner dated 03.02.2024. He further submitted that the fifth Respondent along with unknown persons came to the Petitioner's Village and abused them in filthy language using caste slur.

2. The learned Government Advocate (Criminal Side) submitted that the Petitioner's grand son is alleged to have snatched mobile phone from the fifth Respondent and ran to his house. The fifth Respondent along with his neighbours went to the Petitioner's village and brought back the mobile phone snatched by the grand son of the Petitioner. Subsequently, the Petitioner preferred a complaint, as though the fifth Respondent had abused the Petitioner's



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family by using caste slur. It is the contention of the learned Government Advocate that the fourth Respondent as SHO of Police Station and the third Respondent officer in-charge of Social Justice and Human Rights Wing, conducted enquiry and found out that there was no such occurrence as per the common witnesses available in the village from both parties. Therefore, he seeks time to file status report regarding the same.

3. The learned Counsel for the fifth Respondent sought time to enter appearance and file his response.

4. The learned Counsel for the fifth Respondent is directed to file vakalat.

5. Post this case on 19.03.2024 by 2.15 p.m. on top of the list as "part-heard cases".

2. Today, when the matter came up for hearing, the learned Government Advocate filed status report, wherein it is stated that the SHO of Police Station concerned had conducted enquiry. During the enquiry, it was found out that the grand son of the Petitioner herein is alleged to have snatched the mobile phone from the fifth Respondent and the fifth Respondent along with his friends went to the village of the Petitioner and sought mobile phone back from the grand



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son of the Petitioner. At that time, there was no altercation between them, the elders in the village co-operated and the mobile phone was handed over to the fifth Respondent.

3. It is the contention of the learned Counsel for the fifth Respondent that the SHO of the Police Station concerned had summoned the victim as well as the Petitioner's grand son and recorded their statements. All of them had stated that there was no altercation between them using caste slur.

4. The learned Government Advocate (Criminal Side) would submit that there had been independent enquiry conducted by the SHO of the Police Station concerned, the Deputy Superintendent of Police, Veda sandhur Sub-Division and the Deputy Superintendent of Police, Social Justice and Human Rights Wing, Dindigul District. In all the enquiries, the villagers in the disputed area fairly considered that there was no complaint or allegations attracting the provisions of SC/ST (POA) Act. Therefore, the enquiry was closed.

5. Also, it is the contention of the learned Government Advocate (Criminal Side) that the grand son of the Petitioner suffered fracture due to the fall of the compound wall, which was already in a dilapidated condition.



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Therefore, the grand son himself has given a statement to the Government Hospital, where he had underwent treatment.

6. Under those circumstances, as an after thought and also at the instigation of some vested interest, the Petitioner herein had been developing the case, as though to instigate the communal tension in the village by invoking the provisions of SC/ST (POA) Act.

7. Recording the submissions of the learned Government Advocate (Criminal Side) and the learned Counsel for the fifth Respondent, this Writ Petition is closed. No costs.

19.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Nsr



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SATHI KUMAR SUKUMARA KURUP, J.

Nsr

Order made in
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Dated:
19.03.2024