



W.P(MD)No.11800 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.11800 of 2022

and

W.M.P.(MD).No.8396 of 2022

Esaki Pandi

... Petitioner

Vs.

- 1.State Represented by its Secretary,
Home Department, Secretariat,
Fort St. George, Chennai.
- 2.The Director General of Police,
O/o the Director General of Police,
Beach Road, Chennai
- 3.The District Collector,
O/o the District Collector,
Madurai District.
- 4.The Revenue Divisional Officer,
O/o. the Revenue Divisional Officer,
Thiruchendur,
Thoothukudi District.
- 5.The Superintendent of Police,
O/o. the Superintendent of Police,
Thoothukudi District.
- 6.The Inspector of Police,
Thiruchendur Police Station,
Thoothukudi District.



W.P(MD)No.11800 of 2022

7.Sundaram,
Sub Inspector of Police,
Thiruchendur Taluk Police Station,
Thoothukudi District.

... Respondents

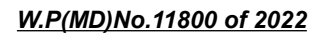
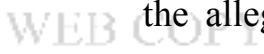
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents No.1 to 6 to take effective action against the respondent No.7 subsequently directing them to provide adequate compensation to the petitioner by considering the petitioner's representation dated 30.03.2022.

For Petitioner : Mr.S.M.A.Jinnah
For R-1 to R-6 : Mr.B.Nambiselvan,
Additional Public Prosecutor
For R-7 : No Appearance

ORDER

This petition has been filed for issuance of Writ of Mandamus directing respondents Nos.1 to 6 to take effective action against the seventh respondent and subsequently directing them to provide adequate compensation to the petitioner by considering the petitioner's representation dated 30.03.2022.

2. The learned counsel appearing for the petitioner would submit that on 04.03.2022, at about 11.00 A.M., when the petitioner was in his house, at that time, the seventh respondent along with one Police personnel, viz, Sorna Raja had entered into the petitioner's house and kidnapped the petitioner and indiscriminately beaten him. Hence, the petitioner made a representation to



3. The learned counsel appearing for the petitioner would submit that this Court may issue a direction to the respondent Police to consider the representation submitted by him and pass appropriate orders within a time limit as prescribed by this Court.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioner was involved in Crime No.96 of 2022 for the offence punishable under Section 328 IPC and Sections 6(a), 6(b) and 24(1) of the Cigarette and other Tobacco Products Act, 2003 and the petitioner was arrayed as Accused No.2 in the said crime. He would further submit that he was secured only for the investigation purpose and except this act, nothing was happened. However, intentionally, the petitioner has filed this petition and accordingly, he prays for dismissal of this petition.

5. The petitioner made a representation before Respondent Nos.1 to 6 for taking appropriate action against the seventh respondent. However, the



W.P(MD)No.11800 of 2022

fact remains that the petitioner has been secured only for investigation purpose.

If there is any excess force used by the seventh respondent as against the petitioner, the only remedy available to the petitioner is that he has to file a private complaint before the concerned Judicial Magistrate and not before the respondent Police.

6. In view of the above submission, the Writ Petition stands dismissed. No costs. Liberty is granted to the petitioner to work out his remedy in the manner known to law. Consequently, the connected miscellaneous petition is closed.

01.02.2024

Index :Yes/No

Internet :Yes/No

TSG

To: -

1.The Secretary,
Home Department, Secretariat, Fort St. George, Chennai.

2.The Director General of Police,
O/o the Director General of Police,
Beach Road, Chennai

3.The District Collector,
O/o the District Collector,
Madurai District.

4.The Revenue Divisional Officer,
O/o. the Revenue Divisional Officer,
Thiruchendur,



W.P(MD)No.11800 of 2022

Thoothukudi District.

- 5.The Superintendent of Police,
O/o. the Superintendent of Police,
Thoothukudi District.
- 6.The Inspector of Police,
Thiruchendur Police Station,
Thoothukudi District.
- 7.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



W.P(MD)No.11800 of 2022

M.DHANDAPANI, J.

TSG

W.P(MD)No.11800 of 2022

01.02.2024