



W.P.(MD).No.13115 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.13115 of 2024

Yesappu Yesupatham @ Yoseppu Yesupatham

... Petitioner

Vs

1. The District Collector,
The District Police Complaints Authority,
Kanyakumari District,
Collectorate Campus, Nagercoil.
2. The Superintendent of Police,
Kanyakumari District, Nagercoil.
3. Francis,
Special Sub-Inspector of Police,
Aralvoimozhi Police Station,
Kanyakumari District.
4. Issac Jeyaseelan,
Special Sub-Inspector of Police,
Aralvoimozhi Police Station,
Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to take appropriate action on the complaint of the petitioner, dated 15.04.2024.



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For Petitioner : Mr. C.T. Perumal

For Respondents : Mr.S.Shanmugavel (R1,R2)
Additional Government Pleader

ORDER

Heard Mr. C.T. Perumal, learned counsel for the petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader, for the respondents 1 & 2.

2.The petitioner has filed this Writ Petition seeking for a direction to the 1st respondent to take appropriate action on the complaint of the petitioner, dated 15.04.2024.

3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

4. The learned counsel for the petitioner submitted that on the complaint given by the petitioner, a case has been registered against the third party/accused in Crime No.335 of 2022 on the file of Aralvoimozhi Police Station. The accused have been enlarged on bail on certain conditions.



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According to the petitioner, the accused did not comply the conditions as imposed by the Court. That was not taken care by the respondents 3 and 4, who are in-charge of Aralvoimozhi Police Station.

5. The petitioner, who being the de facto complainant for the case in Crime No. 335 of 2022 registered against the third party, if affected due to conduct of accused in not complying the conditions imposed by the Court, he can file a petition to cancel the bail granted to the accused by establishing the facts now stated by him.

6. My attention was drawn to Tamil Nadu Police Reforms Act, 2013.

“15. (a) The District Police Complaints Authority shall enquire into allegations of misconduct or serious misconduct, against Police Personnel in subordinate ranks, on a complaint received from a victim in the form of a sworn affidavit duly attested by a notary public:

Provided that in the case of death in Police custody, the complaint can be received from the legal heirs or close relatives of the victim:



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Provided further that the District Police Complaints Authority shall entertain the complaint, only on prima facie satisfaction about the veracity of the complaint:

Provided also that no anonymous or pseudonymous complaints shall be entertained: Provided also that the District Police Complaints Authority shall not entertain complaints of serious misconduct or misconduct which are the subject matter of any judicial proceedings or inquiry under the Commissions of Inquiry Act, 1952, or the Protection of Human Rights Act, 1993, or the Police Standing Orders”.

7. The above rule would bind the concerned official only in the context of the duty being carried out by the individual Officer and on the satisfaction of the authority concerned by appreciating the complaint made by any third party. Just because anyone gives a complaint to the police Official, it does not entail a right to get a direction to the concerned Official to initiate necessary action. Such power to initiate action is well within the discretion and appreciation of the Superior Police Officers. The submission of the petitioner that the third party is not obeying the condition and hence, disciplinary action to be initiated against the respondents 3 and 4 is strange and untenable.



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8. In view of the above reasons, this Writ Petition stands

dismissed. No costs.

20.06.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

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R.N.MANJULA, J.

PNM

**ORDER IN
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