



W.P(MD)No.16750 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.07.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.16750 of 2024

T.Murugavel

... Petitioner

Vs

**1. The Commissioner of Police,
Madurai City.**

**2. The Inspector of Police,
Jaihindpuram Police Station,
Madurai City.**

**3. M/s.Jancy Rani,
The Inspector of Police,
B-6, Jaihindpuram Police Station(L and O),
Madurai City.**

**4. Mr.Anbudass,
The Sub Inspector of Police,
B-6, Jaihindpuram Police Station(L and O),
Madurai City.**

**5. Mr.Madhan Kumar,
Special Team Police Man,
B-6, Jaihindpuram Police Station(L and O),
Madurai City.**

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 1st and 2nd respondents to take action on the petitioner's complaint dated 24.06.2024 under the criminal law in the light of the dictum laid down by the Hon'ble Supreme Court of India in the case of Lalita Kumari Vs Government of Uttar Pradesh and Ors. reported in (2014) 2 SCC 1.

For Petitioner : Mr. Anand R
For R-1 & R-2 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, as against the respondent police to take action based on the petitioner's complaint dated 24.06.2024.

2.The learned Counsel for the petitioner submits that the petitioner is an HIV patient and he is earning money by running a Small Scale Unit. The respondents 3 to 5, who are working in the B-6 Police Station, are often visiting the petitioner and demanding a sum of Rs.1000/- as mamul and the petitioner refused to pay the same for which they have arrested him on 18.05.2024 and also demanded a sum of Rs.2,00,000/- for not



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registering the case. Thereafter, the petitioner was released on bail only on 22.05.2024. The petitioner was about to take action as against the complainant in Crime No.209 of 2024, but, the respondent police are intimidating the petitioner, not to take any action as against the defacto complainant.

3.The learned Additional Public Prosecutor on instruction from the respondent police submits that the petitioner is an accused in a triple murder case for which a case has been registered in Crime No.762 of 2014, which is pending for trial and the petitioner's sister is also a history sheeted rowdy in H.S.No.168 of 2019. The petitioner's neighbour, one Periyaponnu, has lodged a complaint as against him on 18.05.2024 that the petitioner herein has removed the trees by using JCB Machine, planted by her. Based on the complaint of the said Periyaponnu, a criminal case has been registered in Crime No.209 of 2024 as against the petitioner. Aggrieved over the same, the petitioner has lodged a complaint that the police officers are intimidating him. The learned Additional Public Prosecutor further denied that police officers have not demanded any mamul as projected by the petitioner and they have only acted upon the complaint of the said Periyaponnu.



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4.This Court considered the rival submissions made.

5.Admittedly, the petitioner is an accused in Crime No.762 of 2014. A complaint was received by the respondent police on 18.05.2024 as if the petitioner herein has removed the plants, planted by the defacto complainant in Crime No.209 of 2024. The said complaint was attended and registered by the respondent police. In the event, if the petitioner is having any grievance that a false case has been foisted against him in Crime No.209 of 2024, he has to workout his remedy in the manner known to law. Therefore, this Court is not inclined to entertain this application.

6.Accordingly, this Writ Petition is dismissed. No costs.

24.07.2024

Internet :Yes
Index :Yes/No
NCC :Yes/No
jbr

To:

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1. The Commissioner of Police,
Madurai City.

2. The Inspector of Police,
Jaihindpuram Police Station,
Madurai City.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

B.PUGALENDHI, J.



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