



W.P.(MD)No.22293 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.02.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD) No.22293 of 2022

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... Petitioner

Vs.

- 1.The Secretary to Government,
Home,
Prohibition and Excise Department,
Fort St. George, Chennai - 4.
- 2.The Director General of Police,
Officer of Director General of Police,
Chennai - 4.
- 3.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
4. Ramakrishnan
5. Satheesh Kumar

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the 1st respondent herein to grant sanction to prosecute the 4th respondent on the basis of the representation, dated 17.08.2022 within the stipulated period that may be fixed by this Court.



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For Petitioner : Mr.Jothi Basu.M

For R1 to R3 : Mr.B.Nambiselvan,
Additional Public Prosecutor

For R4 and R5 : Mr.R.Anand

ORDER

The petitioner has filed this Writ Petition for directing the 1st respondent herein to grant sanction to prosecute the 4th respondent on the basis of the representation, dated 17.08.2022 within the stipulated period that may be fixed by this Court.

2. The case of the petitioner is that the second and third respondents registered a false case against the petitioner at the instigation of the fourth respondent, for which, the State Human Rights Commission, Chennai, passed an order as against the fourth and fifth respondents in S.H.R.C.No.2974 and 2975 of 2019, dated 30.11.2021 and imposed fine of Rs.50,000/- upon the 4th and 5th respondents (each Rs.25,000/-). Subsequently, the petitioner made a private complaint as against the 4th and 5th respondents and others before the learned Judicial Magistrate No.II, Sattur, but the same was returned, stating that the sanction is required to take cognizance as against the fourth respondent herein. Thereby, the petitioner made a representation to the respondent Nos.1 to



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3 to grant sanction to prosecute the Police officials, but the same was not considered, hence, the present Writ Petition has been filed.

3. The learned counsel appearing for the petitioner submits that it would suffice, if this Court directs the respondents Police to consider the petitioner's representation, dated 17.08.2022 and pass appropriate orders.

4. The learned counsel appearing for the respondent Nos.4 and 5 would submit that if this Court directs the first respondent to consider the petitioner's representation, opportunity may be given to the other respondents in the manner known to law. Further, as against the order passed by the State Human Rights Commission, the fourth respondent filed a Writ Petition in W.P(MD) No.2791 of 2022 before this Court and obtained interim order, vide order dated 11.02.2022. Hence, the complaint made by the petitioner is misconceived, accordingly, he prays for appropriate orders.

5. In view of the above, without expressing any opinion, this Court is inclined to issue direction to the first respondent to consider the petitioner's representation, dated 17.08.2022 and pass appropriate orders, after providing opportunity to the aggrieved persons, if any, within a period of six weeks from



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the date of receipt of copy of this order.

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6. With the above said direction, this Writ Petition is disposed of. No costs.

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

13.02.2024

Indu

To

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Fort St. George, Chennai - 4.
2. The Director General of Police,
Officer of Director General of Police,
Chennai - 4.
3. The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

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