



W.P.(MD).No.20857 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 10.01.2024

CORAM:

THE HONOURABLE Mrs. JUSTICE R. HEMALATHA

W.P.(MD).No.20857 of 2021

Muthumari

... Petitioner

Vs.

- 1.The Director General of Police,
Office of the Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai.
- 2.The Inspector General of Police,
Office of the Inspector General of Police,
South Zone,
Race Course Colony,
Madurai – 625 002.
- 3.The Superintendent of Police,
Office of the Superintendent of Police,
Ramanathapuram District.
- 4.The Inspector of Police,
Office of the Inspector of Police,
Kenikarai Police Station,
Ramanathapuram District.
- 5.Jothi Murugan,
The Sub Inspector of Police,
Office of the Inspector of Police,
Kenikarai Police Station,
Ramanathapuram District.

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, direct the respondents 1 to 4 herein to take necessary action in accordance with law against the fifth respondent herein on the basis of the petitioner's representation dated 13.11.2021 within the time stipulated by this Court.

For Petitioner : Mr.J.Vishnu

For R-1 to R-4 : Mr.M.Sakthi Kumar
Government Advocate
(Criminal Side)

For R-5 : Mr.C.Jeganathan

ORDER

The case of the petitioner is that her elder son namely, David Raja is working as a driver and her second son namely Karthik is studying XII standard. On 07.11.2021, at about 6.00 a.m., the fifth respondent viz., Mr.Jothi Murugan, the Sub Inspector of Police, Kenikarai Police Station, Ramanathapuram came down to the petitioner's house along with their Police personnel and forcibly took her two sons without assigning any reasons. According to the petitioner, both her sons were brutally attacked by the fifth respondent under the pretext of some enquiry. Thereafter, they were sent out from the Police Station. The petitioner immediately contacted the Child Help



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Line and also took her sons to the Government Hospital, Ramanathapuram for treatment. When they were about to take a scan as per the advice of the doctor, the Police personnel came there and directed the medical officers not to admit the petitioner's sons in the hospital for treatment. Having left with no other option, the petitioner had brought her two sons back home. In this regard, she filed a detailed representation dated 13.11.2021 to the respondents 1 to 4, requesting them to take necessary action against the fifth respondent. Since no action was taken, she has come up with the present Writ Petition directing the respondents 1 to 4 to take necessary action against the fifth respondent.

2. The third respondent, Superintendent of Police in his status report had stated that a charge under Section 3(b) of TNPSS (D&A) Act, 1955 has been issued against the fifth respondent namely Mr.Jothi Murugan, Inspector of Police, Vadamadurai PS, Dindigul District (Formerly SI of Police, Kenikarai Police Station) for the lapses in conducting investigation.

3. The fifth respondent in his counter affidavit had denied the entire allegations and his specific contention is that the petitioner's sons had never taken treatment in any hospital.



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4. Since action has already been initiated against the fifth respondent,
nothing survives for further adjudication in this Writ Petition.

5. Accordingly, this Writ Petition is disposed of. No costs.

10.01.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



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R.HEMALATHA, J.

Nsr

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