



W.P.(MD)No.25767 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 06.12.2024

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.(MD)No.25767 of 2024

Muthuramalingam

... Petitioner

Vs.

- 1.State of Tamil Nadu Represented by,
The Principal Secretary,
Home, Prohibition and Excise Department,
Fort St. George, State Secretariat,
Chennai.
- 2.The Director General of Police,
Office of the Director General of Police,
No.601, Radhakrishnan Salai, Mylapore,
Chennai.
- 3.The Superintendent of Police,
Office of the Superintendent of Police,
Ramanathapuram District.
- 4.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Muthukulathur Sub Division,
Ramanathapuram District.
- 5.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Keelakkarai Sub Division,
Ramanathapuram District.



W.P.(MD)No.25767 of 2024

6.Chinnakannu,
Deputy Superintendent of Police,
Muthukulathur Sub Division,
Ramanathapuram District.

7.The Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents 4 to 7 for not to harass the petitioner and his family members based on the petitioner's representations dated 21.08.2024 and 19.10.2024, in accordance with law within the time stipulated by this Court.

For Petitioner : Dr.R.Alagumani

For R1 : Mr.M.Muthumanikkam
Government Advocate

For R2 to R5 & R7 : Mr.P.Kottaichamy
Government Advocate
(Criminal Side)

ORDER

This Writ Petition has been filed seeking a direction to the respondents 4 to 7 not to harass the petitioner and his family members based on his representations dated 21.08.2024 and 19.10.2024, in accordance with law.



W.P.(MD)No.25767 of 2024

WEB COPY

2. The learned counsel for the petitioner submitted that the petitioner sent a representation on 21.08.2024, describing various incidents where the Police have been shadowing him wherever he goes. Particularly, when the petitioner went to recall a Non-Bailable Warrant (NBW) in the Judicial Magistrate Court, Kamuthi, a police officer from Sayalkudi Police Station approached and questioned him, informing him that a complaint was pending against him. Hence, the petitioner was forced to remain at the Judicial Magistrate Court, Kamuthi, until late hours, fearing physical harm and illegal detention by the respondent Police.

3. Despite sending a representation to higher officials, no action has been taken. The petitioner had previously lodged a complaint against the Deputy Superintendent of Police, Mudukulathur Division, and a Sub-Inspector of Police, Paramakudi, for illegally collecting money from him. The petitioner provided an audio recording of the incident, which was submitted to the Superintendent of Police, Ramanathapuram. The Superintendent of Police confirmed the voices of the officers who had



W.P.(MD)No.25767 of 2024

demanded money, and subsequently, a sum of Rs.1,09,000/- was ordered to be repaid to the petitioner in W.P.(MD)No.19148 of 2024, to be completed by 21.08.2024. The petitioner has received the said amount.

4. Getting offended by the petitioner's actions, a group of police personnel reportedly conspired to foist false cases against him, creating a hostile situation. The petitioner was also injured in the process and is now receiving treatment in Thanjavur.

5. The learned counsel for the petitioner further submitted that, under the guise of an enquiry, the petitioner fears harassment and physical harm at the hands of the Police.

6. The learned Government Advocate (Criminal side) submitted that the petitioner has 17 cases pending against him. A complaint was lodged by one Marilingam against Muneeswaran, and a case in Crime No.208 of 2024 under Section 420 of I.P.C. was registered by the Sayalkudi Police. The petitioner was not available at his residence, but it was later found that he was at the Kamuthi Court. The Police then went



W.P.(MD)No.25767 of 2024

to enquire about the petitioner in relation to Crime No.208 of 2024, as the accused, Muneeswaran, had confessed to the petitioner's involvement in the offence. The Government Advocate (Criminal side) submitted that for the purpose of enquiry only, the police had gone to the Kamuthi Court, which cannot be termed as harassment.

7. The learned Government Advocate (Criminal side) further submitted that in the future, the petitioner will be notified in writing for any required enquiry, and should he evade the notice or be unavailable at the given address, only then the Police will take steps to secure his presence.

8. Considering the above said submissions and on perusal of the materials on record, it is seen that the petitioner has 17 pending cases and a criminal history. The police's visit to enquire about Crime No.208 of 2024 was not harassment but part of the investigation. The petitioner is a resilient individual who can withstand pressure and is supported by legal avenues. It is also noted that the petitioner previously filed a Writ Petition and successfully obtained an order for the recovery of money



W.P.(MD)No.25767 of 2024

WEB COPY

from officers, Chinnakannu, Deputy Superintendent of Police and Saravanan, Sub-Inspector of Police. Hence, the respondent Police are advised that, since the petitioner has previously stood against certain Police Officers, he should not be subjected to unnecessary harassment.

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

06.12.2024

NCC : Yes / No
Index : Yes / No
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To

- 1.The Principal Secretary,
Home, Prohibition and Excise Department,
Fort St. George, State Secretariat,
Chennai.
- 2.The Director General of Police,
Office of the Director General of Police,
No.601, Radhakrishnan Salai, Mylapore,
Chennai.
- 3.The Superintendent of Police,



W.P.(MD)No.25767 of 2024

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Ramanathapuram District.

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- 5.The Deputy Superintendent of Police,
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Keelakkarai Sub Division,
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- 6.The Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.
- 7.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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W.P.(MD)No.25767 of 2024

M.NIRMAL KUMAR, J.

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Order made in
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