



W.P.(MD)No.26438 of 2024.

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 05.11.2024

CORAM:

THE HONOURABLE **MR.JUSTICE M.NIRMAL KUMAR**

W.P.(MD)No.26438 of 2024

PL Kathiresan

.. Petitioner

Vs

1. The Superintendent of Police
Sivagangai District

2. The Inspector of Police
Nerkuppai Police Station
Thirupathur Taluk
Sivagangai District

3. Swaminathan

4. Periyakaruppan

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 and 2 herein to complete the enquiry on the petitioner's Compliant dated 06.08.2024 pending in CSR. No. 137/24 on the file of second respondent herein with in the time stipulated by this Court.

For Petitioner

: Mr.B. Brijesh Kishore



W.P.(MD)No.26438 of 2024.

For Respondents
No.1 and 2

: Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

This Writ Petition has been filed to direct the respondents 1 and 2 herein to complete the enquiry on the petitioner's Compliant dated 06.08.2024 pending in CSR. No. 137/24 on the file of second respondent herein with in the time stipulated by this Court.

2. The petitioner had given complaint on 06.08.2024 complaining that in a community meeting held for conducting kumbabisegam of Subramaniya Swamy Thirukovil at Nerkuppai Village, the petitioner was pulled down by one Swaminathan and Periyakaruppan. He was assaulted and abused, since the petitioner was insisting that his name should be included in the Kumababisegam committee . However the petitioner had earlier made allegation against certain people who had misappropriated the Kumababisegam money.

3. The learned counsel appearing for the petitioner would submit that the petitioner had also filed writ petition before this Court on the earlier occasion and in the said order the High Court had observed that



W.P.(MD)No.26438 of 2024.

proper protection should be given to the petitioner. Despite the same, the petitioner was assaulted and he fell down and thereafter he was taken to hospital by his son and he took treatment. The respondent police despite cognizable offence of criminal intimidation, assault and injuries not even registered First Information Report, hence the present writ petition has been filed.

4. The learned Additional Public Prosecutor would submit that on 09.08.2024 complaint was received and CSR No.137 of 2024 was assigned and both the petitioner and the counter petitioner were called for enquiry. They appeared on 28.09.2024 and gave an undertaking that on 04.09.2024 they will appear and submit relevant documents. On 04.09.2024 the petitioner failed to appear but the counter parties namely Saminathan and Periyakaruppan appeared. Thereafter enquiry was again fixed on 01.10.2024. On 01.10.2024 both the parties appeared and stated that since it was dispute between the same family they would resolve the issue among themselves with 15 days and gave a letter. Based on the undertaking the enquiry was closed but now the petitioner is filing the present writ petition.



W.P.(MD)No.26438 of 2024.

WEB COPY

5. The petitioner submitted that though such an undertaking has been forcibly obtained from the petitioner the petitioner has been injured took treatment in the hospital he has got medical records to confirm his injuries. The fight had taken place in the community meeting there are several person who had participated in the community meeting and they would confirm that the petitioner was assaulted by Swaminathan and Periyakaruppan.

6.The learned Additional Public Prosecutor would submit that the petitioner not given any document and any names of the witnesses who have witnessed the assault.

7. The learned counsel appearing for the petitioner would submit that the petitioner would appear before the respondent along with medical records an also produce the person who were present during the assault made on the petitioner.



W.P.(MD)No.26438 of 2024.

8. In view of the above, the petitioner shall appear before the respondent police along with medical records and witnesses within a period of two weeks from the date of receipt of a copy of this order and thereafter the respondent to conduct enquiry and dispose the same in accordance with law.

9. With the above direction, the Writ Petition stands disposed of.

No costs.

05.11.2024

Index: Yes/No

Internet : Yes/No

aav

To

1. The Superintendent of Police
Sivagangai District
2. The Inspector of Police
Nerkuppai Police Station
Thirupathur Taluk
Sivagangai District
3. The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai.



WEB COPY



W.P.(MD)No.26438 of 2024.

M.NIRMAL KUMAR, J.

aav

W.P.(MD)No.26438 of 2024

05.11.2024