



W.P.(MD)No.29972 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 13.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P.(MD)No.29972 of 2024

Humauin Kabir

Vs

.. Petitioner

1. The Superintendent of Police
Viruthunagar District
Viruthunagar
2. The Deputy Superintendent of Police
Aruppukottai
Virudhunagar District
3. The Inspector of Police
Kariyapatti Police Station
Virudhunagar District
4. Palaniraja
Head Constable
Kariyapatti Police Station
Virudhunagar District

5.Saharbanu Naatchiyar

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to depute 2nd respondent to enquire into the complaint made by the 5th respondent as



W.P.(MD)No.29972 of 2024

against the petitioner on the basis of petitioner's representation dated
30.11.2024

For Petitioner	: Mr.C.M.MariChelliah Prabhu
For Respondents	: Mr.A.Thiruvadikumar
No.1 to 3	Additional Public Prosecutor

ORDER

This Writ Petition has been filed to direct the first respondent to depute second respondent to enquire into the complaint made by the fifth respondent as against the petitioner on the basis of petitioner's representation dated 30.11.2024

2. The petitioner apprehending physical assault at the hands of the son of the fifth respondent who is a political person having money and muscle power has assaulted the petitioner in front of the police station on 14.11.2024. Thereafter the petitioner got admitted in the hospital and taken treatment in Government Medical College Hospital, Virudhunagar. He was in patient from 14.11.2024 to 19.11.2024. Despite the information was sent from the hospital to the respondent police no police have come there to take the complaint of the petitioner. Hence the



W.P.(MD)No.29972 of 2024

WEB COPY

apprehension of the petitioner is more real. Earlier a false case has been registered against the petitioner in Crime No. 95 of 2021, charge sheet filed taken in STC No. 1133 of 2022 on the file of the learned Judicial Magistrate No.II, Virudhunagar at the instance of the fifth respondent and in that case the petitioner got acquitted, which had influted the fifth respondent and his son to commit the offence. The petitioner thereafter sent a complaint on 30.11.2024 narrating the entire sequence but the respondent police neither enquired nor registered the case against the offenders, but on the other hand entertained the complaint given by fifth respondent and assigned CSR No. 504 of 2024 and forcing the petitioner to appear before the respondent for enquiry.

3. The learned Additional Public Prosecutor submitted that petitioner was assaulted in front of the police station which was not seriously disputed. When the petitioner was asked to lodge complaint he refused to lodge complaint got himself admitted in the hospital and thereafter too he never lodged any complaint . The third respondent police has sent summons to the petitioner for his appearance on 04.12.2024, 08.12.2024 and 11.12.2024, despite the receipt of summons



W.P.(MD)No.29972 of 2024

the petitioner failed to appear. In the meanwhile fifth respondent lodged complaint against the petitioner and CSR No.504 of 2024 assigned. The petitioner is not responding to the summons not appearing for enquiry and now terming the same as harassment.

4. The learned counsel appearing for the petitioner on instructions submitted that the petitioner shall appear before the third respondent police on 19. 12.2024.

5. In view of the same, the third respondent is directed to enquire the petitioner and if cognizable offence is made out on the materials submitted on enquiry to register the case against the offenders. The counter complaint given by the fifth respondent against the petitioner is also to be enquired. Both the complaints to be disposed in accordance with law. It is made clear that the apprehension of the petitioner appears to be real since he was assaulted in front of the police station hence the third respondent is also directed to ensure the safety of the petitioner.



W.P.(MD)No.29972 of 2024

WEB COPY

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

No costs.

13.12.2024

Index: Yes/No

Internet : Yes/No

aav

Note: Issue order copy on 18.12.2024

To

1. The Superintendent of Police
Viruthunagar District
Viruthunagar
2. The Deputy Superintendent of Police
Aruppukottai
Virudhunagar District
3. The Inspector of Police
Kariyapatti Police Station
Virudhunagar District
4. The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai.



WEB COPY



W.P.(MD)No.29972 of 2024

M.NIRMAL KUMAR, J.

aav

W.P.(MD)No.29972 of 2024

13.12.2024