



W.P.(Crl.) No.897 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2025

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

W.P.(Crl.) No.897 of 2025

Subash Chandra Bose

... Petitioner

Vs.

1. The State of Tamil Nadu
represented by
The Home Secretary
Government of Tamil Nadu
Secretariat, Fort Saint George
Chennai – 600 009
2. The Director General of Police
No.1, Kamarajar Salai
Mylapore, Chennai – 600 004
3. The Commissioner of Police
Greater Chennai City
Vepery, Chennai – 600 007
4. The Joint Commissioner of Police (South)
Police Office Street, Binny Road
Nazarethpuram, Gandhi Nagar
Chennai – 600 016
5. The Deputy Commissioner of Police
Triplicane District
Chindaripet,
Chennai – 600 002



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6. Inspector of Police
F3 Nungambakkam Police Station
Chennai – 600 034

7. K.Settu
Former Inspector of Police (Law and Order)
F3 Nungambakkam Police Station
Chennai City, Tamil Nadu
Presently:
Inspector of Police
J-1 Saidapet Police Station
Chennai – 600 015

8. N.Ravi
Sub-Inspector of Police (Retired)
F3 Nungambakkam Police Station
Chennai – 600 034

... Respondents

PRAYER : Writ Petition filed under 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st to 5th respondents to initiate departmental action against the 7th and 8th respondents for creating false evidence against the petitioner in Crime No.353 of 2022.

For Petitioner	: M/s.D.Percivul Pericles
For Respondents 1 to 6	: Mr.R.Vinothraja
	Government Advocate (CrI. Side)



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ORDER

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This Writ Petition (Criminal) has been filed to direct the 1st to 5th respondents to initiate departmental action against the 7th and 8th respondents for creating false evidence against the petitioner in Crime No.353 of 2022.

2. According to the petitioner, the first FIR in Crime No.304 of 2022 was registered against the petitioner on 20.10.2022 for the offence under Section 381 of IPC alleging that the petitioner who was working in the defacto complainant's house, along with other accused committed theft of costly watches, Camera, Laptop etc. and during the course of enquiry, his mobile phone was seized by the police and it was under the custody of the police. While so, on 04.12.2022, the second FIR in Crime No.353 of 2022 was registered against the petitioner based on the complaint of the very same defacto complainant wherein the 6th and 7th respondents/Police are alleged to have recorded confession statement from the petitioner and seized a mobile phone from the petitioner which was already available with the police. The contention of the learned counsel for the petitioner is that the petitioner has been falsely implicated in the second FIR by fabrication of records and pursuant to the second FIR, the petitioner was also arrested.



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Hence, the present petition is filed seeking disciplinary action against the concerned police.

3. It appears that during the course of investigation in respect of first FIR, the petitioner's mobile phone was seized and kept in the police custody. While being so, the second FIR came to be registered against the petitioner alleging that he made derogatory statement in respect of first FIR in the You Tube and also shared the private photos of the defacto complainant to others. The contention of the petitioner is that the mobile phone which was originally seized in the first FIR has been used as one of the document to the second FIR and it is a clear case of fabrication and therefore, he seeks action.

4. At the outset, this Court is of the view that even assuming that the mobile phone of the petitioner which was originally seized in the earlier FIR has been used as a material object in the subsequent case, the petitioner can very well take advantage of the same and disprove the allegations. The subsequent FIR has been registered based on a specific allegation of spreading false news against the defacto complainant who claims to be an actress, particularly spreading of rumours on You Tube. Therefore, merely on the basis of some mistakes said to have been committed in the investigation, that cannot be taken as a ground to take disciplinary action.



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The petitioner can very well take advantage of such mistakes and disprove the case alleged to have been foisted against him before the trial Court during trial.

5. With the above observations, this Writ Petition is dismissed.

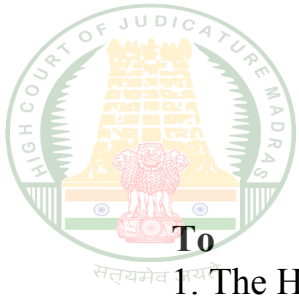
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Index:Yes/No

Speaking/Non-speaking order

Neutral Citation:Yes/No



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To

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6. Inspector of Police
F3 Nungambakkam Police Station, Chennai – 600 034
7. The Public Prosecutor
High Court of Madras, Chennai



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N. SATHISH KUMAR, J.

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