

W.P.(MD) NO.3700 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.DHANABAL

W.P.(MD) No.3700 of 2025

and

W.M.P.(MD) No.2661 of 2025

Hameed Sulthan

... Petitioner

Vs

1. The Director General of Police,
Office of the Director General of Police,
No.1, Kamarajar Salai,
Mylapore,
Chennai - 600004.

2. The District Collector,
Office of the District Collector,
Ramanathapuram.

3. The Superintendent of Police,
Office of the Superintendent of Police,
Ramanathapuram.

4. Kottaichamy,
Sub Inspector of Police,
Keelakarai
Police Station,
Ramanathapuram District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents 1 and 2 to take the appropriate action against the fourth respondent and further direct the respondents to provide compensation to the petitioner by considering the petitioner's representation date 10.08.2024.

For petitioner : Mr. SMA. Jinnah

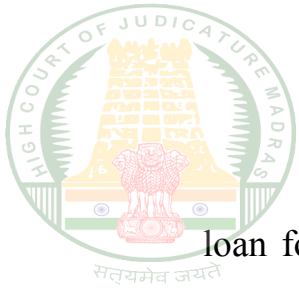
For R1 & R3 : Mr.R.M.Anbunithi
Additional Public Prosecutor (Crl.Side)

For R2 : Mr.M.Senthil Ayyanar,
Government Advocate

ORDER

This petition is filed by the petitioner to direct the respondents 1 and 2 to take appropriate action against the fourth respondent and to direct the respondents to provide compensation to the petitioner by considering the petitioner's representation dated 10.08.2024.

2. The learned counsel for the petitioner would submit that the petitioner is running a medical shop in the name of Bakkala with proper permission. In the said medical, one Yugene was a saleswoman and a sum of Rs.10,000/- p.m was paid to her towards salary and also, she obtained



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loan for a sum of Rs.50,000/-. There is a dispute between the petitioner and P.M.S.Ahmed Abdul Kader. While so, the Sub-Inspector of Police, Keelathurai/fourth respondent threatened the petitioner to vacate the premises. The fourth respondent had taken the maternal uncle of the petitioner, namely, Mohammed Mustafa and his son, namely, Najin to the police station on 02.07.2024 in the name of investigation and unlawfully detained them in the police station from 8.00 a.m. to 5.00 p.m. by receiving money from the P.M.S.Ahmed Abdul Kader and threatened them to vacate the premises and also the fourth respondent caused life threat to the petitioner's uncle namely, Mohammed Mustafa.

3. While so, the said Yugene has given a false complaint against the petitioner as if the petitioner was stolen her two-wheeler bearing registration No.TN-55-BA-1248 and for the same, enquiry has been conducted by the fourth respondent. The fourth respondent called the petitioner to police station on 30.07.2024 and he also appeared. At that time, the fourth respondent abused the petitioner with filthy language and asked to sit in the writer room and brutally assaulted him with his hands. At that time, the said Yugene and her son Akash came to police station and informed that the finance company official took two-wheeler as they



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have not paid the loan for three months. Therefore, they want to withdraw their complaint. However, the fourth respondent kept the petitioner inside the lockup room and brutally assaulted without giving any food and water. When the petitioner's brother came to see the petitioner in police station, the petitioner informed the atrocities of the fourth respondent. At that time also, the fourth respondent abused in filthy language. Further, the fourth respondent extorted the petitioner's Redmi cellphone worth about Rs.35,000/- and the same was not mentioned either in the police register or any other records. Due to fear regarding the threat made by the police at the time of remand, the petitioner has not informed to the Magistrate. Now, the petitioner filed this petition. Therefore, the petitioner is entitled to compensation.

4. The learned Additional Public Prosecutor (Crl.Side) for the respondent 1 and 3 would submit that the Writ Petitioner filed the petition by misleading the facts. The petitioner is running a medical shop at Keelakarai in the name of Bakkala, wherein one Yugene, who is the mother of the defacto complainant in Crime No.124 of 2024 on the file of the fourth respondent was working as shop keeper. Based on the complaint lodged by the defacto complainant, who is the son of the



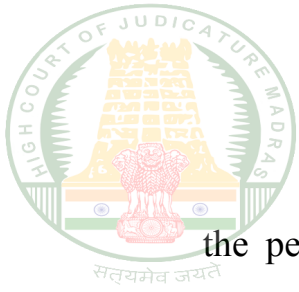
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erstwhile employee of the petitioner, namely, Yugene, they registered the case in Crime No.124 of 2024 on the file of the fourth respondent for the offences under Section 308(4) IPC dated 31.07.2024. The said occurrence was took place on 18.07.2024. The complaint was only lodged on 31.07.2024. All these days, the vehicle of the defacto complainant was kept by the petitioner under his custody. Subsequent to the registration of FIR, witnesses have been examined, statements have been recorded, the petitioner was arrested on 31.07.2024 and remanded in judicial custody mobile phone also recovered from the petitioner through Athatchi. Thereafter, it was handed over to the petitioner, since it does not have any role in the present case. The petitioner also gave knowledge for the receipt of the mobile phone. Moreover, the allegations stated in the affidavit are false. Therefore, disputed facts cannot be disposed of through this petition. Therefore, only for the case registered against the petitioner, he filed this petition with false averments. Therefore, this petition is liable to be dismissed.

5. This Court heard both sides and perused the records.

6. On perusal of the records, it is seen that the petitioner has filed



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the petition claiming compensation as against the respondents alleging that the fourth respondent registered a false case against the petitioner and he brutally attacked him and ill-treated during period of arrest. Therefore, he filed this petition for compensation. The alleged ill-treatment and harassment are stoutly denied by the respondents in this case.

7. It is an admitted fact that as against the petitioner, the case in Crime No.124 of 2024 was registered by fourth respondent and the same is under investigation. The said case was lodged by the erstwhile employee of the petitioner, who was working in his medical shop as shop keeper. There is a money dispute between the erstwhile employee, namely, Yogene and the petitioner and thereby, the petitioner had illegally taken the two-wheeler and thereby, they lodged the complaint. In the meantime, the petitioner was arrested and the vehicle was recovered and he was remanded in the judicial custody. Further, criminal case is also still pending and therefore, it needs elaborate trial. Therefore, without ascertaining the custodial torture, compensation cannot be awarded. Therefore, disputed facts cannot be decided through this writ petition. However, the petitioner is at liberty to approach the appropriate forum for compensation.



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Consequently, connected miscellaneous petition is closed.

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NCC : Yes/No
Index : Yes / No
Internet : Yes / No
apd

To

1. The Director General of Police,
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2. The District Collector,
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3. The Superintendent of Police,
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5. The Additional Public Prosecutor,



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Madurai Bench of Madras High Court, Madurai.

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P.DHANABAL,J

apd

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