

WP(MD) NO. 21223 of 2



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14-02-2025

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

WEB COPY

WP(MD) NO. 21223 of 2023

I.Renganatha Kannan

S/o. Ayyangannu, No.12/315, Matha Nagar 6th Street,
Keelpaguthi, Arockiapuram Post, Mappillaiyurani,
Thoothukudi, Thoothukudi District.

Petitioner(s)

Vs

1. The Secretary to Government
Home Department, Secretariat, Chennai.

2.The Director of General Police,
Office of the Director General of Police,
Chennai.

3.The Director,
Directorate of Vigilance and Anti Corruption,
No.293, MKN Road,
Alandur, Chennai.

4.The Inspector General of Police,
South Zone, Madurai.

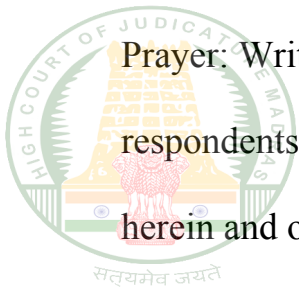
5.The Superintendent of Police,
Thoothukudi District,
Thoothukudi.

6.The Superintendent of Police,
Theni District,
Theni.

7.Amirthalingam
Police Constable (Special Team),
Office of the Superintendent of Police,
Theni District, Theni.

8.Manickam
Police Constable (Special Team),
Office of the Superintendent of Police,
Thoothukudi District, Thoothukudi.

Respondent(s)



Prayer: Writ petition filed under Article 226 of the Constitution of India to direct respondents 1 to 6 to initiate appropriate criminal action as against respondents 7 and 8 herein and other police officials and to provide with a compensation of Rs.25,00,000/- for the illegal custody and extortion committed by the Police Officials on the basis of the representation dated 29.07.2023 and 19.08.2023.

For Petitioner(s): M/s.C.Mayilvahana Rajendran

For Respondent(s): Mr.T.Senthil Kumar

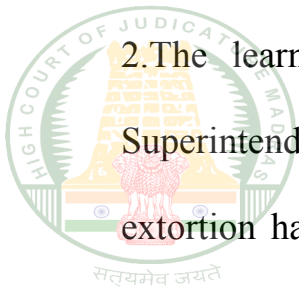
Additional Public Prosecutor For R1 To R6

M/s. A. Robinson For R8

M/s. G.Prabhu Rajadurai For R7

ORDER

The petitioner claims that he was a Sales Executive of Oita E-Bikes. This company appears to have collected deposits from various dealers that they would supply electric bikes. However they failed to supply the bikes. Therefore a criminal case was registered on the file of the District Crime Branch, Chennai in Crime No.235 of 2021. The petitioner has approached this Court with a grievance that the 7th respondent, who happens to be a Police Constable has also made deposit and in order to recover the amount deposited by him he has used his police power, taken this petitioner under illegal custody and has also extorted a sum of Rs.2,86,000/- through bank transaction under coercion. Therefore, the petitioner has filed this writ petition seeking a mandamus directing the respondents 1 to 6 to initiate appropriate criminal action as against the respondents 7 and 8 and other police officers, who have illegally detained him and have extorted money. The petitioner has also prayed for compensation for his illegal custody and extortion of money.



2.The learned Counsel for the petitioner by relying on the counter filed

Superintendent of Police, Theni district submits that this illegal custody, assault and extortion has been admitted by the Enquiry Officer appointed by the Superintendent of

Police. The learned Counsel has also pointed out relevant paragraphs from the counter affidavit and submitted that this petitioner was retained under illegal custody, put under threat and he was also made to transfer the amount in favour wife of 7th respondent. The learned Counsel has relied on the wound certificate issued by Government Hospital, Thoothukudi for the injuries suffered by him and submits that these injuries were caused during his illegal custody.

3.The learned Additional Public Prosecutor submits that the 7th and 8th respondents were part of the special team. However they have not complied the requirements under Section 41(a) of CrPC and there were certain lapses on their part. On the complaint of this petitioner, the Superintendent of Police has appointed the Deputy Superintendent of Police, District Crime Branch, Theni to look into this complaint. The Deputy Superintendent of Police has filed his report based on which a departmental proceedings was initiated as against 7th respondent under Rule 3B of the Tamil Nadu Police Subordinate Service Rules.

4.The learned counsel for the 7th respondent submits that the petitioner is a notorious criminal having several cases to his credit and in order to escape from the clutches of law and to prevent the investigation agency from conducting investigation in the cases which are pending against him, he has foisted this complaint. He further submits that they have

taken the petitioner and enquired him on that date, however they have not exerted any coercion or pressure and therefore the allegations made by the petitioner is baseless.



5. The learned Counsel for the 8th respondent submits that he is in no way connected with the transactions between this petitioner and the other accused. He was working at Thoothukudi. All the incidents are said to have taken place at Bodi. He has accompanied the special team from Bodi to identify the accused and therefore he is not having any role as projected by the petitioner.

6. This Court considered the rival submissions made and perused the materials placed on record.

7. The petitioner claims that he was kept under illegal custody and he was made to transfer the amount on coercion. With these allegations he lodged a complaint before the Superintendent of Police. The Superintendent of Police has ordered for an enquiry based on his complaint. The Deputy Superintendent of Police, District Crime Branch has conducted an enquiry and submitted a report as under;

“Though the case was investigated by the investigating officer Tr.P.S.Ramesh Kumar, then Inspector of Police, Bodi Taluk as per the FIR registered Tr.A.Idrishkhan, Sub Inspector of Police was not pass-ported by the investigating officer to summon the petitioner for enquiry in connection with this case.

The special team led by Tr.Idrishkhan, Sub Inspector of Police had also not served any summons under Section 41(a) CrPC and did not go in uniform and also summoned the petitioner at odd hours without any reasons recorded for doing so.

Even if the petitioner had accepted his criminality and had paid some amount to the wife of 7th respondent, the investigating officer should



have shown this as recovery in the case and submitted it to jurisdictional magistrate and remanded the petitioner to judicial custody instead of releasing after taking written undertaking which raises suspicious over the intention of the 7th respondent and the investigating officer.”

WEB COPY

8. Based on this report, the Superintendent of Police has initiated disciplinary proceedings as against the order 7th respondent under Rule 3(B) of the Tamil Nadu Police Subordinate Service Rules and the enquiry is still pending. The petitioner has projected that he was in illegal custody. However, the 7th respondent is a part of the Special Investigation Team which has been constituted for investigating the case in Crime No.238 of 2023. Though the petitioner claims that he was tortured and assaulted by the police, he has not placed any materials to substantiate his case. In the event if this petitioner is having any materials, he can make out his case by filing a private complaint. This Court is not inclined to grant the relief sought for by the petitioner based on the available materials.

9. Accordingly, this petition is dismissed. No costs.

14-02-2025

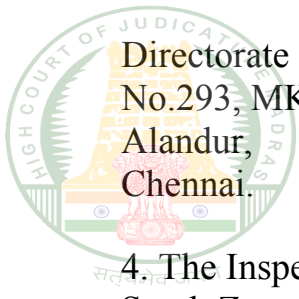
DSK

To

1. The Secretary to Government
Home Department,
Secretariat,
Chennai.

2. The Director General of Police
O/o. Director General of Police,
Chennai.

3. The Director



Directorate of Vigilance and Anti Corruption,
No.293, MKN Road,
Alandur,
Chennai.



4. The Inspector General of Police
South Zone,
Madurai.

5. The Superintendent of Police
Thoothukudi District,
Thoothukudi.

6. The Superintendent of Police
Theni District,
Theni.

7. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY

B.PUGALENDI



DSK

WP(MD) NO. 21223 of 2023

14.02.2025