



W.P.(MD)No.30993 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.01.2025

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.(MD)No.30993 of 2024

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: Petitioner

Vs.

1.The Superintendent of Police,
Sivagangai, Sivagangai District.

2.The Deputy Superintendent of Police,
Thiruppathur,
Sivagangai District.

3.The Inspector of Police,
Thiruppathur Police Station,
Sivagangai District.

... Respondents

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 appropriate action on the petitioner complaint dated 02.12.2024 under the criminal law in the light of the dictum laid down by the Hon'ble Supreme Court of India in the case of Lalitha Kumari Vs. Government of Uttar Pradesh.

For Petitioner : Mr.B.Santhanam Rajesh Kumar

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor



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ORDER

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The petitioner, who is an Advocate, had sent a complaint on 02.12.2024. However, no action has been taken. On the other hand, the third respondent on 08.12.2024 had issued summons to the petitioner to appear for enquiry on 10.12.2024. On receipt of summons, the petitioner appeared, but no action has been taken. Hence, he has filed the present petition seeking a direction to the respondents 1 and 2 to take appropriate action on the petitioner's complaint dated 02.12.2024 under the criminal law in the light of the dictum laid down by the Hon'ble Supreme Court of India in the case of Lalitha Kumari Vs. Government of Uttar Pradesh.

2.The grievance of the petitioner is that the petitioner is a practicing Advocate in the High Court of Madras as well as the Madurai Bench. His mother is residing in Thiruppathur. On 01.12.2024, at about 10.50 p.m., his mother informed the petitioner through phone call stating that her health was not fine. Hence, the petitioner and his relative, Praveen were proceeded to Thiruppathur in his two wheeler bearing Registration No.TN 59 DZ 2335 to admit his mother to the Hospital. When they were passing near the S.S.Kottai Police Station, the police officials stopped the petitioner and enquired. At that time, the petitioner explained his urgency



and also showed his driving license as well as the other proof. However, the police officials abused the petitioner and also forcibly took away Rs.4,500/- from him. Hence, he lodged a complaint against the said police officials.

3.The learned Additional Public Prosecutor vehemently opposed the petitioner's contention, stating that the petitioner has been indulging in criminal activities and three cases were registered against him by the Keelavalavu Police Station ie., in Crime No.346 of 2018 for the offences under Sections 294(b), 323, 324, 341 and 506(ii) of IPC; Crime No.4 of 2019 for the offences under Sections 294(b), 341 and 506(2) of IPC; and Crime No.321 of 2022 for the offences under Section 294(b) and 506(1) of IPC. Earlier, on 28.11.2024, when the petitioner was not found wearing a helmet and riding on the bike, he was charged and imposed a cost of Rs.3,000/-. Thereafter, on 01.12.2024, the petitioner was riding the bike at later hours. While the police officials conducting the routine drunken drive checkup, they found that the petitioner had consumed alcohol and they asked the petitioner to blow the breath analyzer. The breath analyzer shows that the petitioner consumed alcohol. Further, the police found that the petitioner was an advocate and warned him. But, the petitioner challenged the police officials that he would take appropriate action



against the said police officials for stopping him. Suppressing all these facts, the petitioner had projected this case as if he had taken his mother for treatment on 01.12.2024, he was obstructed and harassed by the police officials.

4.In the morning session, when the case came up for hearing at the admission stage, the learned counsel for the petitioner stated that when the petitioner was taking his mother for treatment, he was harassed and ill treated only because he is an Advocate and this Court, in support of this contention, petitioner was asked to produce any materials or records to show that he had taken his mother for medical treatment. However, the petitioner is unable to produce any materials. On the contrary, he had produced the acknowledgment showing that the petitioner's mother has taken treatment during the month of September alone.

5.In view of the above, this Court finds that the contention of the petitioner is untenable and the petitioner is coming with unclean hands with criminal records. Hence, the prayer sought for by the petitioner cannot be granted by this Court.



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6. Accordingly, this Writ Petition is dismissed. No costs.

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NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To

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Sivagangai, Sivagangai District.
2. The Deputy Superintendent of Police,
Thiruppathur,
Sivagangai District.
3. The Inspector of Police,
Thiruppathur Police Station,
Sivagangai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

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