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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-11-2026

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

WP Crl. No. 3017 of 2026
and W.P.M.P.Crl.Nos.1108, 1109, 1110 of 2026

CNR: {HCMA012680402026}

Case QR

R.Abraham Daniel
S/o P. Rajendran,
No.2/264, Tiruchendur Road,
Murugan Kurichi,
Palayamkottai,
Tirunelveli – 627 002.

..Petitioner

Vs

1. The State of Tamil Nadu
   Represented by its Principal Secretary to Government
   Home (Police) Department,
   Secretariat,
   Chennai.

2. The Director General of Police
   Dr. Radhakrishnan Salai,
   Mylapore, Chennai.

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

4. The Additional Director General of Police /
   CBCID
   Chennai.

5. The Superintendent of Police
   Erode District,
   Erode.

6. The Inspector of Police
   Sathyamangalam Police Station,

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Erode District.

7. The Principal Accountant General (A and E),
   TamilNadu,
   Chennai.

8. The Competent Pension Sanctioning Authority
   Government of Tamil Nadu,
   Chennai.

9. Mohan Raj
   Former Inspector of Police,
   Sathyamangalam Police Station,
   Erode District.

..Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing respondents 1 to 5 to entrust the investigation into the allegations concerning the conduct of the 9th respondent, Mr. Mohan Raj, former Inspector of Police, Sathyamangalam Police Station, to an independent investigating agency/officer or any other authority as this Court may deem appropriate, excluding all officers connected with the original investigation.

For Petitioner: Mr.S.Ezhil Raj

For Respondents: Mr.B.Prashanth Nadraj
Government Advocate
for R1, R7 and R8

Mr.Arun Anbumani
Additional Public Prosecutor
(Crl.Side) for R2, R3, R4, R5 & R6

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ORDER

The petitioner has a grievance against the ninth respondent. Hence, he seeks action to be initiated against him.

2. The petitioner's eldest daughter seems to have entered into a relationship which was not to the liking of the writ petitioner. On 27.08.2020, she had gone missing. Therefore, the petitioner filed a complaint with the sixth respondent. During the relevant time,it was the ninth respondent who was the Inspector of Police.

3. Initially, on going through the contents of the complaint, the police registered a case invoking Sections 147, 448, 323 and 366 IPC. After investigation, the police came to a conclusion that the assault on the petitioner and his family members were true but the claim that his daughter was abducted was false. Therefore, the ninth respondent had deleted Section 366 IPC when he filed the final report. The case has been taken on file and it is pending in STC No.769 of 2022 on the file of the learned Judicial Magistrate, Sathyamangalam..

4. The allegation of the petitioner is that the ninth respondent, in collusion with the accused persons, had deliberately deleted Section 366 IPC. He states that even if a Government Servant retires, the Government still retains the

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power to initiate action in terms of Rule 9 of the Tamil Nadu Pension Rules. In addition, he seeks for a direction that the matter should be investigated by an independent investigation agency.

5. Mr.Arun Anbumani reports that after the complaints the police received as regards the alleged misconduct of the ninth respondent, an enquiry was conducted. They have come to a conclusion that the daughter of the petitioner had voluntarily left the premises of the petitioner along with the then lover and her present husband. He states that the wedlock between the two has resulted in a child who is aged about 2 ½ years. It is on account of this fact that the ninth respondent had taken a position that Section 366 IPC is not attracted. He states that there is no merits in the writ petition and seeks dismissal.

6. This Court is able to appreciate the exasperation of the writ petitioner. His eldest daughter had not only eloped, but to add insult to the petitioner's injury, his wife and other family members were also assaulted by the persons who had come to whisk his daughter away. Be that as it may, since the petitioner’s daughter had left the premises on her own, Section 366 IPC would not be attracted. Nonetheless, the ninth respondent, as the then Inspector of Police, had investigated the matter and filed a chargesheet with respect to the assault that the petitioner and his family members had faced. The matter is now pending before the Court on these aspects.

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7. The affidavit itself discloses that the matter is listed for evidence on 03.11.2026 and trial is underway. The petitioner always has other remedies before the learned Judicial Magistrate, Sathyamangalam, in case Section 366 IPC is made out. A Writ remedy cannot be utilized for the said purpose. The learned Judicial Magistrate, Sathyamangalam always has the power under Section 319 of Cr.P.C. to include anyone or modify the charges, if during the course of trial if it discloses other offences have been made out.

8. For the present, as the police have gone into the allegations that have been made by the petitioner and have come to a conclusion that the petitioner's daughter and her husband are living happily and the petitioner's daughter had left the parental home on her own, the writ that the petitioner seeks cannot be granted.

9. In view thereof, this Writ Petition is dismissed. Connected miscellaneous petitions are closed.

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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V.LAKSHMINARAYANAN, J.

BKN

To:

1. The State of Tamil Nadu rep by its Principal Secretary to Government
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   Secretariat,
   Chennai.

2. The Director General of Police
   Dr. Radhakrishnan Salai,
   Mylapore, Chennai.

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