

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2024

WEB COPY

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.643 of 2024

Kannagi

.. Petitioner

VS

- 1.The District Collector,
Chairperson, District Police Complaints Authority,
Tiruvannamalai District,
Tamilnadu - 606604
- 2.The Director of General of Police,
Post Box No.601, Dr.Radhakrishnan Salai, Mylapore,
Chennai – 600 004
- 3.The Director General of Police,
Fire and Rescue Services,
No.17 Rukmani Lakshmipathy Road.
Egmore, Chennai – 8.
- 4.The Additional Director General of Police,
Crime Branch, CID Wing,
No.220, Old Commissioner of Police Complex,
Pantheon Road, Komaleeswaranpet,
Egmore, Chennai – 600 008.
- 5.The Superintendent of Police,
Tiruvannamalai District.
- 6.The Inspector of Police,
Chengam Police Station, Chengam Taluka,
Tiruvannamalai District – 607 209



7.Thirupathi



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.. Respondents

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Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the 1st respondent to initiation of disciplinary proceedings against 7th respondent and consequently directing the 4th respondent to submit its inquiry report within six months in accordance with Tamilnadu Police (Reforms) Rules, 2022 section 19(2) based on the petitioner's representation dated 07.09.2023.

For Petitioner : Mr.G.Vana Narayanan

For Respondents : Mr.P.Harish (for R1)
Government Advocate

Mr.S.Vinoth Kumar (for R2 to R6)
Government Advocate (Crl.side)

No appearance (for R7)

ORDER

The grievance of the petitioner emanates out of an assault upon her son on 14.01.2023 allegedly by R7. The petitioner states that she has lodged a complaint as against R7 at Chengam Police Station and only after a great deal of effort, did R6 issue a CSR number on 19.01.2023 in CSR.No.25 of 2023.

2.She alleges that the assault was repeated again on 20.07.2023 in a Honda showroom where the petitioner's son had gone for servicing of his



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two wheeler. She claims that medical records are available for the distress caused on account of assault on both occasions.

3. According to her, she has been unable to get justice before the Police Department because they are unfairly supporting one of their own and refusing to take appropriate action as against R7. She has filed a complaint with the District Collector, who is the Chairperson of the District Police Complaints Authority in terms of G.O.Ms.No.643, Home (POL.VIII) Department, dated 14.11.2019.

4. The District Police Complaints Authority has itself been formulated in compliance with the judgment of the Hon'ble Supreme Court of India passed on 22.09.2006 in WP(Civil)No.310 of 1996 (*Prakash Singh and others v Union of India and others*).

5. Despite her complaint, she states that neither R1 nor any of the respondents have taken any action on her complaint. Hence, this writ petition seeking a mandamus directing R1 to initiate disciplinary proceedings as against R7 and consequently directing R4 to submit an enquiry report within six months in accordance with Tamil Nadu Police (Reforms Rules), 2022.

6. Counters have been filed by R3 and R4. It is the stand of the respondents that it is R3, who is the Director General of Police, Fire and



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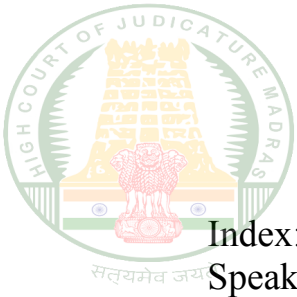
Rescue Services, who is to initiate necessary action, being the head of the Department.

7.To be noted that R7, Thirupathi S/o Mani, is a Fire Fighting Staff, presently employed at Fire Service Station, Thiruvalluvar Nagar Main Road, Near State Bank of India, Thukkapettai, Chengam, Tiruvannamalai District and R3 is the head of that Department. Since the appropriate authority to look into the grievances is the 4th respondent (Additional Director General of Police, Crime Branch, CID Wing, Chennai) the complaint shall be forwarded immediately by the District Collector, Tiruvannamalai District/R1 to R4 for necessary enquiry and report in terms of the Tamil Nadu Police (Reforms) Rules, 2022. The entirety of the exercise shall be completed within a period of six (6) months from today.

8.The petitioner also apprehends a threat to her as well as her son's life and seeks police protection. She has made a request before R6 to this effect, which shall be looked into forthwith by R6, and orders passed on her representation dated 01.04.2024, within a period of one (1) week from today.

9.This writ petition is disposed in terms of this order. No costs.

19.07.2024



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Index: Yes/No
Speaking Order
Neutral Citation: Yes
vs

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DR. ANITA SUMANTH,J.

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