

Kumar. Vs. the State of Tamil Nadu, and ors.

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Court : Chennai

Decided On : Jul-03-2012

Judge : K.Chandru, J.

Acts : Tamil Nadu Act 14 of 82 ; Indian Penal Code(IPC) - Sections 147, 148, 341, 120(b), 386; Goondas Act; [Constitution of India](#) - Articles 226

Appeal No. : W.P.No.13700 of 2012 and M.P.No.1 of 2012

Appellant : Kumar

Respondent : The State of Tamil Nadu, and ors.

Advocate for Def. : Mr.V.Jayaprakash Narayanan, Adv.

Advocate for Pet/Ap. : Mr.S.Rajanikanth, Adv.

Judgement :

This writ petition is preferred under Article 226 of the [Constitution of India](#) praying for the issue of a writ of mandamus to direct the respondents to consider the representation of the petitioner dated 16.5.2012 by providing adequate police protection to live peacefully without fake encounter threat and detention under TN Act 14/82 to secure the ends of justice.

ORDER

1. The petitioner has filed the present writ petition seeking for a direction to the respondents to consider the representation, dated 16.05.2012 for providing adequate police protection to live peacefully without fake encounter threat and detention under the Tamil Nadu Act 14/82.

2. The petitioner was elected as the member of Ward No.7 of P.N.Patty Panchayat in the election held during the year 2011. Subsequently he was elected as the Vice President of the said panchayat in the election held for the said post. He was also undertaking contract works with the Electricity Board in the name of Aarthi Constructions. It is his case that due to the association of certain bad elements when he was working as a contract employee during the year 2001, he was implicated in certain false cases and several cases have been registered against him without any justification. Because of this, he could not attend the panchayat meeting. If he does not participate in the meeting held on 30th and 31st, May, 2012, he may even lose his post. But the Inspector of Police had threatened that he could not attend the meeting. For the last three years, he has not been involved in any criminal case. The Inspector of Police, Karumalaikoodal Police Station (Special Task Force) has been threatening that he will cancel his Vice President post as well as the councilor post and put him in the Goondas Act. Therefore, the petitioner addressed a letter to the Hon'ble Chief Minister to save him and to allow him to live peacefully.

3. When the matter came up on 23.05.2012, this court directed the learned Additional Government Pleader to take notice and to get instructions. When the matter came up on 19.6.2012, the learned Special Government Pleader produced a copy of the minutes of the panchayat meeting held on 28.5.2012, which contained the signature of the petitioner as serial No.2 and that he had attended the meeting. Therefore, it was contended that there was no threat whatsoever and that the petitioner had made a false case. Subsequently, the matter was adjourned to get further instructions on this issue. The Inspector of Police, Karumalaikoodal police station gave a written instruction stating that there has been several criminal cases pending against the petitioner, which reads as follows :

"Karumalaikoodal police station :

Crime No.257/99 u/2.147, 148, 302 IPC

Crime No.472/01 u/s.147, 148, 341 and 302 IPC

Crime No.1626/2000 u/s. 147, 148, 452, 324, 323 and 506(ii) IPC

Crime No.6416/02- u/s.147, 363, 342 and 506(ii) IPC

Crime No.124/04- u/s.5(3)(b) I.E. Act

Salem City Suramangalam Police Station Crime No.1020/99 u/s.341, 392 and 506(ii) IPC."

4. It was also stated that the petitioner with a gang of persons was threatening lorry drivers who were carrying on fly ash from the Mettur power station. A fresh case has been registered in the police station in Crime No.108/2012 under Sections 147, 148, 341, 120(b) and 386 IPC on 12.3.2012. He had surrendered in the said case before the Judicial Magistrate-III, Salem and police custody was obtained. The weapon (sickle) used by him was also recovered through the mahazar and submitted to the Magistrate. Though he was supposed to sign every day as per the conditions of bail, he came to the station only on 13.4.2012 and committed contempt by not following the court order thereafter. Further, another case was registered in Crime No.195 of 2012 on 16.4.2012. On investigation, the copper blocks worth Rs.19 lakhs were confiscated. The accused gave a statement implicating the petitioner for smuggling the copper rods. The petitioner has been making false statements as if the respondents are going to make encounter or they are going to book him under the Goondas Act, only to escape from the lawful custody of the police.

5. This court do not consider any case is made out for entertaining the writ petitioner especially when the petitioner has so many criminal background. He has to face the due process of law in those cases. The present attempt by the petitioner is to some how hoodwink the police for not submitting proper investigation of the case and the further trial. Further, the contention that he was not allowed to participate in the panchayat meeting is also false. In view of the stand taken by the respondents, the direction as sought for by the petitioner

cannot be granted. Hence the writ petition will stand dismissed. No costs. Consequently connected miscellaneous petition stands closed.

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