

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2015

CORAM

THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.M.SUNDRESH

W.P.No.12957 of 2006

K.Sharmila Begum

...Petitioner

-vs-

1. The Secretary to Government (Home),
Fort St. George,
Chennai.
2. Selvakumar,
Deputy Superintendent of Police,
Tiruppattur,
Sivaganga District.
3. Jyotimani,
Inspector of Police,
Tiruppattur,
Sivaganga District.

...Respondents

Petition under Article 226 of the Constitution of India praying for issue of Writ of Mandamus commanding the second respondent to act in compliance of the law laid down by Section 154 Cr.P.C. and to register a case against the third respondent forthwith, and further be pleased to evolve suitable guidelines to ensure that Section 154 Cr.P.C. is properly complied with in future by police officers even though the offences complained of are against the police officers.

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For Petitioner : Mr.Manikandan Vathan Chettiar

For Respondents : Mr.STS.Moorthy
Government Pleader

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioner has filed this Public Interest Litigation qua the procedure followed by the police on receipt of the information about the commission of cognizable offence and for following Section 154 of Code of Criminal Procedure.

2. From the facts, the petitioner case is, she claims to be a pardanashin woman, whose husband is working as police constable. It is alleged that the third respondent, who is the Inspector of Police, was involved in undesirable practices, compelled her husband to occupy the quarters, which was declared by the Government itself as uninhabitable. The allegation is that it is the third respondent, who began misappropriation of cash balance of the police station etc. and forced her husband to make good the shortage by collecting money from the public, though her husband resisted. It is also alleged that the said third respondent used to visit her house whenever her husband was away and forced her into conversation and an incident is stated to have occurred on 08.2.2006 at 11.00 P.M. in the night, when the third respondent visited the house of the petitioner, asking them to vacate the house, failing which he would use forceful means to get it vacated. It is this incident, which is stated to have triggered her exit to the village and subsequently, she made a complaint to the concerned police officers. She claims, she apprehends danger to her liberty.

3. This is not a case of molestation as submitted in the given facts.

4. The aforesaid shows, there is a dispute between the husband of the petitioner and the third respondent, which is sought to be given the colour of Public Interest Litigation by the petitioner.

5. In view of the aforesaid, we are not inclined to entertain the writ petition.

6. Writ petition is, accordingly, dismissed. No costs.

Sd/-

Assistant Registrar(CS-III)

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Sub Assistant Registrar

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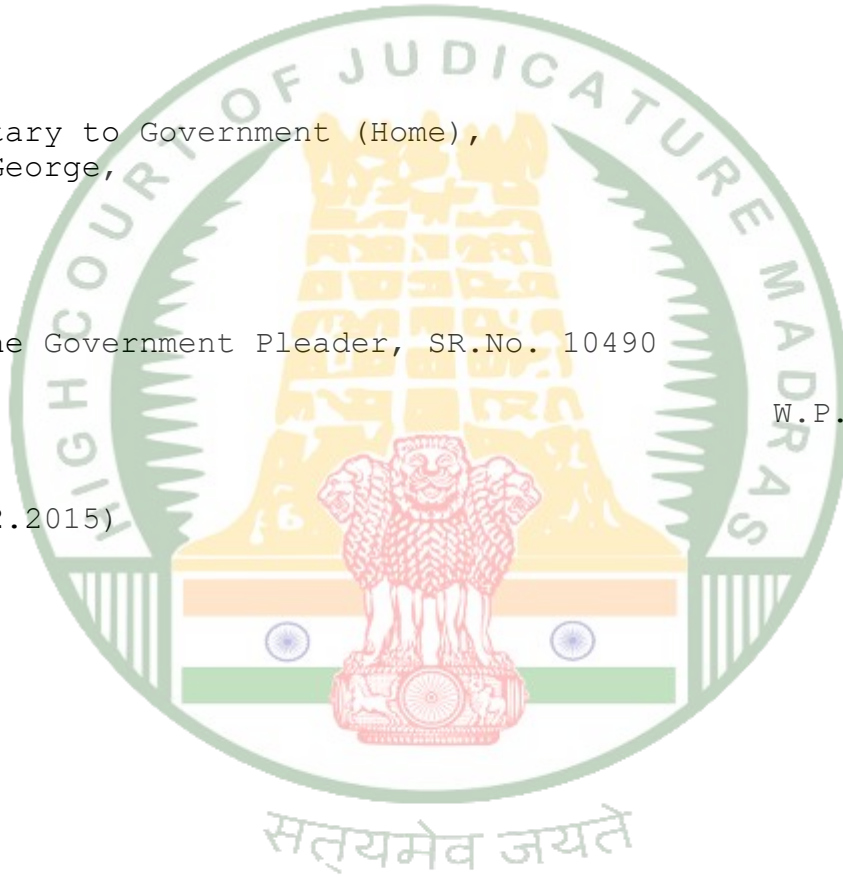
The Secretary to Government (Home),
Fort St. George,
Chennai.

1 CC to the Government Pleader, SR.No. 10490

W.P.No.12957 of 2006

MP (CO)

PSI (13.02.2015)



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