



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2015

CORAM

THE HON'BLE MR.JUSTICE C.T.SELVAM

CRL.O.P.(MD)No.5051 of 2015

WEB COPY

G.Rajeswari

.. Petitioner

.. Vs ..

1.The Commissioner of Police,
Madurai City.

2.The Deputy Commissioner of Police(L & O),
Madurai City, Madurai.

3.The Inspector of Police,
All Women Police Station,
Madurai Town, Madurai.

.. Respondents

Criminal Original Petition filed under section 482 of the Code of Criminal Procedure, praying to direct the third respondent to register a case on the basis of the petitioner's complaint, dated 11.03.2015.

For Petitioner : Mr.D.S.Haroon Rasheed

For respondents : Mr.K.V.Rajarajan

Government Advocate(Crl. Side)

ORDER

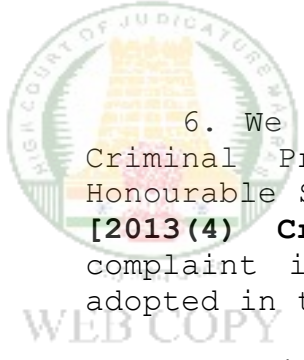
The petitioner has sought registration of a case on the complaint of the petitioner, dated 11.03.2015.

2. Heard the learned counsel for the petitioner and the learned Government Advocate(Crl. Side) for the State.

3. It has taken much prodding of this Court before a case stands registered on the complaint of the petitioner in Crime No.7 of 2015 for offences under Sections 498(A), 294(b) and 506(i) I.P.C, Section 4 of Tamil Nadu Prohibition of Women from Harassment Act and Section 4 of Dowry Prohibition Act. Despite the acknowledged position that the complaint was preferred on 11.03.2015, the F.I.R informs the receipt of information on 24.03.2015 at 11.30 a.m.

4. The learned counsel for the petitioner submits that the complaint of the petitioner has found its way to the Assistant Commissioner of Police, Anti Dowry Cell, Madurai through the Deputy Superintendent of Police. It is the submission that as one of the accused persons/father-in-law of the petitioner is to retire within a few days, such Assistant Commissioner of Police towards aiding such person, is behind the delayed registration of the case.

5. It is the submission of the learned Government Advocate(Crl. Side) that the delay was occasioned owing to forwarding the complaint of the petitioner to the Social Welfare Officer. This is done, submits the learned Government Advocate(Crl. Side), as per executive guidelines.



6. We would inform that the mandate of the law as informed in the Criminal Procedure Code and as reiterated in the decision of the Honourable Supreme Court in **Lalitha Kumar vs. Government of U.P. & Others [2013(4) Crimes 243 (SC)]**, is to be followed and registration of complaint is not to be delayed by adoption of such tactics as those adopted in the present case.

7. This Court is of the view that the lower level Officers cannot be entrusted with the investigation in the case given their conduct. The investigation shall be conducted by a Senior Level Officer designated by the first respondent and under his direct supervision.

This Criminal Original Petition is ordered accordingly.

Sd/-

Assistant Registrar (T&P)

/True copy/

Sub Assistant Registrar

To

1.The Commissioner of Police,
Madurai City.

2.The Deputy Commissioner of Police(L & O),
Madurai City,
Madurai.

3.The Inspector of Police,
All Women Police Station,
Madurai Town,
Madurai.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court
Madurai.

+1cc to Mr.D.S.Haroon Rasheed, Advocate in SR.No. 14996

sm:09.04.2015:2P/6C

CRL.O.P. (MD)No.5051 of 2014
26.03.2015