

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P.Nos.27682 of 2011 & 1361 of 2012

W.P.No.27682 of 2011:

P.Pugalthi, ... Petitioner

-vs-

- 1.State of Tamil Nadu,
rep. by the Secretary to Government,
Home Department,
Secretariat, Chennai-600 009.
- 2.The Director General of Police,
Chennai-600 004.
- 3.The Deputy Inspector General of Police,
Vellore Region, Vellore.
- 4.The Superintendent of Police,
Villupuram District,
Villupuram.
- 5.The Inspector of Police,
Thirukovilur Police Station,
Villupuram District. ... Respondents

W.P.No.1361 of 2012:

P.V.Ramesh, ... Petitioner

-vs-

- 1.State of Tamil Nadu,
rep. by its Secretary to Government,
Home Department,
Secretariat, Chennai-600 009.
- 2.The Director General of Police,
Mylapore, Chennai-600 004.

- 3.The Deputy Inspector General of Police,
Vellore Range, Vellore.
- 4.The Superintendent of Police,
Villupuram District,
Villupuram.
- 5.The Inspector of Police,
Thirukovilur Police Station,
Villupuram District.
- 6.The Joint Director,
Central Bureau of Investigation,
Haddows Road,
Nungambakkam, Chennai-600 034. .. Respondents

Writ Petition No.27682 of 2011 filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondent - State of Tamil Nadu to hand over the investigation of the complaint dated 26.11.2011 by one Lakshmi, W/o.Kasi, Perumal Kovil, Mandabapadi, T.Mandapam, Thirukovilur to the Central Bureau of Investigation and further directing the respondent - State of Tamil Nadu to commence and complete departmental disciplinary proceedings against the police personnel who had arrested the four tribal women in the night hours of 22.11.2011 mentioned in the said complaint within a period of three months.

Writ Petition No.1361 of 2012 filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus (a) directing the 6th respondent to take over the investigation in Crime No.887 of 2011 from the file of 5th respondent and other related cases foisted against the relatives of the victim women and investigate and proceed with the same as per law within a time frame fixed by this Hon'ble Court; (b) directing the 6th respondent to register a complaint dated 02.12.2011 preferred by Prof.Kalvimani to the respondents 2 and 4 and the Villupuram Town Police Station, investigate and proceed with the same as per law within a time frame fixed by this Hon'ble Court; (c) directing the 2nd respondent to take steps to register a case against the respondents 3 and 4 and other police personnel for having threatened and coerced the victim women to withdraw their complaint dated 26.11.2011, on the basis of the representation dated 20.12.2011 and transfer the same for investigation to the 6th respondent.

For Petitioner : Mr.M.Radhakrishnan
in W.P.No.27682/2011
Mr.S.Sathia Chandran
in W.P.No.1361/2012
For Respondents : Mr.M.K.Subramanian
Govt. Pleader for R1 to R5
in both petitions

COMMON ORDER

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

The common status report filed by the Deputy Superintendent of Police, District Crime Branch, Villupuram states that the final report has been filed before the Judicial Magistrate, Thirukoilur on 28.11.2016 and has been received vide No.3271 of 2016. The final report has been filed under Sections 147, 166, 323, 341, 342, 348, 365, 376, 376(2)(a)(i), 376(2)(a)(i) & (e) of the Indian Penal Code read with Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act.

2. On the question whether the victims were from the Scheduled Tribe community or not, since sufficient material was not found at that stage, the provisions in that behalf had not been included. The said issue may be referred to the State Level Scrutiny Committee, which will endeavour to conclude the proceedings within a period of two months of the receipt of the records.

3. It is also stated that permission has been sought from the competent authority for prosecution of the accused (A1 to A4), which is still awaited.

4. The departmental proceedings are also stated to have been commenced and are in progress.

5. No further directions are required, except to state that the decision to give sanction for prosecution should be taken expeditiously and not later than one month from today.

6. The records lying with the Madras High Court be returned to the respondents.

7. Registry to communicate this order to the State Level Scrutiny Committee.

8. The writ petitions, accordingly, stand closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Secretary to Government,
Home Department,
Secretariat, Chennai-600 009.
- 2.The Director General of Police,
Mylapore, Chennai-600 004.
- 3.The Deputy Inspector General of Police,
Vellore Range, Vellore.
- 4.The Superintendent of Police,
Villupuram District,
Villupuram.
- 5.The Inspector of Police,
Thirukovilur Police Station,
Villupuram District.
- 6.The Joint Director,
Central Bureau of Investigation,
Haddows Road,
Nungambakkam, Chennai-600 034.
- 7 The State Land Scrutiny Committee
Thro The Govt., Pleader, High Court, Madras
copy to
The Registrar General
High Court Madras

The Section Officer
B Section High Court Madras

The Director
The Judicial Academy
Green ways Road, Chennai

+1cc to Mr.S. Sathiachandran, Advocate, S.R.No.70301
+1cc to the Government Pleader, S.R.No.70241
ksj(CO)
md(09/12/2016)

W.P.Nos.27682/2011 & 1361 of 2012