



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P (MD) .No.10203 of 2013

Jothi

... Petitioner

Vs

1.The Registrar,
The State Human Rights Commission,
Thiruvaramkam,
143, P.S.Kumarasamy Raja Salai,
Greenways Road, Chennai-28.

2.The Inspector of Police,
Thirukattupalli Police Station,
Thanjavur District.

... Respondents

This Writ Petition is filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the first respondent to conduct enquiry on the basis of compliant dated 05.06.2013, under Section 12(a) of the Protection of Human Rights Act 1993.

For Petitioner	:Mr.R.Alagumani
For R.1	:Mr.C.Arulvadivel @ Sekar
For R.2	:Mr.D.Muruganandham
	Additional Government Pleader

ORDER

[Order of the Court was made by

M.SATHYANARAYANAN, J.]

The petitioner was a driver of a tourist vehicle bearing registration No.TN.31 BY 2368 and when the vehicle was engaged by one Raja of Fathima Nagar, Thoothukudi, for the purpose of taking their family to Velankanni and Poondi Matha Church, he has taken them to Velankanni on 01.06.2013 and thereafter, he has reached Poondi Matha on 02.06.2013. The occupants of the vehicle went to the temple and found that some jewels were missing and suspecting the role of the husband of the Writ Petitioner herein, they lodged a police complaint, based on which, Thirukattupalli Police Station



registered a case in Crime No.285 of 2013 for the alleged commission of offence under Section 380 IPC. According to the petitioner, on the pretext of enquiry, he was brutally assaulted and his basic human rights were violated and in this regard, she has given a complaint in the form of representation dated 04.06.2013 before the National Human Rights Commission and despite receipt and acknowledgement of the same, no action was taken and therefore, the petitioner came forward to file this Writ Petition.

2. Learned Counsel for the petitioner has drawn the attention of this Court to the affidavit filed in support of this Writ Petition as well as the typed set of papers and would submit that the husband of the petitioner was brutally assaulted and even for the sake of argument her husband was involved in the alleged commission of crime, nothing prevented the jurisdictional police from producing him before the jurisdictional Magistrate for remand and they resorted to a third degree method under the guise of investigation and despite overwhelming evidence produced before the State Human Rights Commission, no action has been taken so far and therefore, this Writ Petitioner has approached this Court.

3. Mr.D.Muruganandham, learned Additional Government Pleader would submit that since it was prima facie found that the husband of the petitioner was involved in the commission of offence, a case was registered as stated supra and investigation was done strictly in accordance with law and also denied the fact that the husband of the petitioner was also subjected to a third degree method in the form of torture and prays for dismissal of this Writ Petition.

4. The learned Standing Counsel appearing for the first respondent would contend that the investigation team conducted the preliminary enquiry and thought it fit to close the complaint of the petitioner and accordingly, it is closed and in this regard, a communication was sent to the petitioner and also produced a copy of the order dated 03.07.2013 in Case No.4494 of 2013.

5. In the light of the action taken by the State Human Rights Commission, the prayer sought for by the petitioner no longer survives for adjudication and therefore, this Writ Petition is closed. However, the petitioner as well as her husband is always at liberty to approach the competent forum for seeking appropriate relief including compensation. No costs.

Sd/-

Assistant Registrar(writs)

/True copy/



1.The Registrar,
The State Human Rights Commission,
Thiruvarankam,
143, P.S.Kumarasamy Raja Salai,
Greenways Road, Chennai-28.

2.The Inspector of Police,
Thirukattupalli Police Station,
Thanjavur District.

+1cc to special Government Pleader Sr.No.67464
+1cc to Mr.R.Alagumani, Advocate SR.No.68172
+1cc to Mr.C.Arul Vadivel @ Sekar, Advocate SR.No.67219

ssm

sm:DB:28/11/2016:3P/6C

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