

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.32672 of 2017

G.Vimala

.. Petitioner

-vs-

The State rep by

1. The Home Secretary
Secretariat's office
Chennai, Tamil Nadu
2. The Director General of Police
Office of the Director General
Radhakrishnan Road
Mylapore, Chennai
3. The Commissioner of Police
Commissioner Office
Vepery, Periyamedu
Chennai
4. Nazima Banu .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents 1 to 3 to dispose of the petitioner representation dated 21.11.2017 to take Departmental action against the fourth respondent Inspector of All Women Police, All Women Police Station, Tambaram, Chennai within a time frame as may be fixed by this Hon'ble Court.

For Petitioner :: Mr.K.Jayakumaar

For Respondents :: Mr.R.A.S.Senthilvel
Additional Government Pleader
for R1 to 3

ORDER

The petitioner has come to this Court seeking issuance of a writ of mandamus, directing the respondents 1 to 3 to dispose of her representation dated 21.11.2017 to take departmental action against the fourth respondent.

2. The petitioner is the wife of one Gunasekar residing at No.27, Arignar Anna Street, Lakshmipuram, Chromepet, Chennai. However, her parents made arrangements for her marriage with the first husband. Subsequently, she took divorce from him due to family issues and after separation lawfully through divorce obtained from the Tambaram Court, she started living separately. While living separately, Mr.Gunasekar, who is residing in Arignar Anna Street, Lakshmipuram, Chromepet, approached the petitioner and pacified her with sweet words to marry him stating that he also married one Manjula and divorced her on personal grounds. Since he is also a divorcee, he expressed his willingness to marry the petitioner. With that understanding, they were living together. After sometime, he left the petitioner and joined his first wife. Finding that he is not returning home, she went to his first wife's house and cried with her stating that Mr.Gunasekar has cheated her. But there was no proper response. Therefore, a complaint was made before the All Women Police Station, Tambaram on 30.8.2017. However, she was informed to file a proper complaint before the jurisdictional police station. Hence the petitioner filed another complaint with the police on 8.9.2017. Since no action was taken, the petitioner also came to this Court with Crl.O.P.No.19431 of 2017 seeking a direction to register the First Information Report on the basis of the complaint lodged by her against the said Gunasekar. This Court, by order dated 15.9.2017, directed the first respondent therein to consider her complaint subject to five conditions mentioned in the order therein. Only thereafter, the respondents have registered the First Information Report. In the meanwhile, a direction also may be given to take disciplinary action against the fourth respondent, it is pleaded.

3. But this Court is unable to agree with the said contentions. The reason being, when the petitioner had already obtained an order for registration of her complaint and the First Information Report was also registered and is pending for consideration, this Court is not inclined to issue any such direction. Since the criminal proceedings have not come to an end, this Court is not able to know who is at fault. Hence, the writ petition, for the above reasons, is dismissed. No costs.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government
Home Department, Secretariat
Chennai 600 009
2. The Director General of Police
Office of the Director General
Radhakrishnan Road
Mylapore, Chennai
3. The Commissioner of Police
Commissioner Office
Vepery, Periyamedu
Chennai.

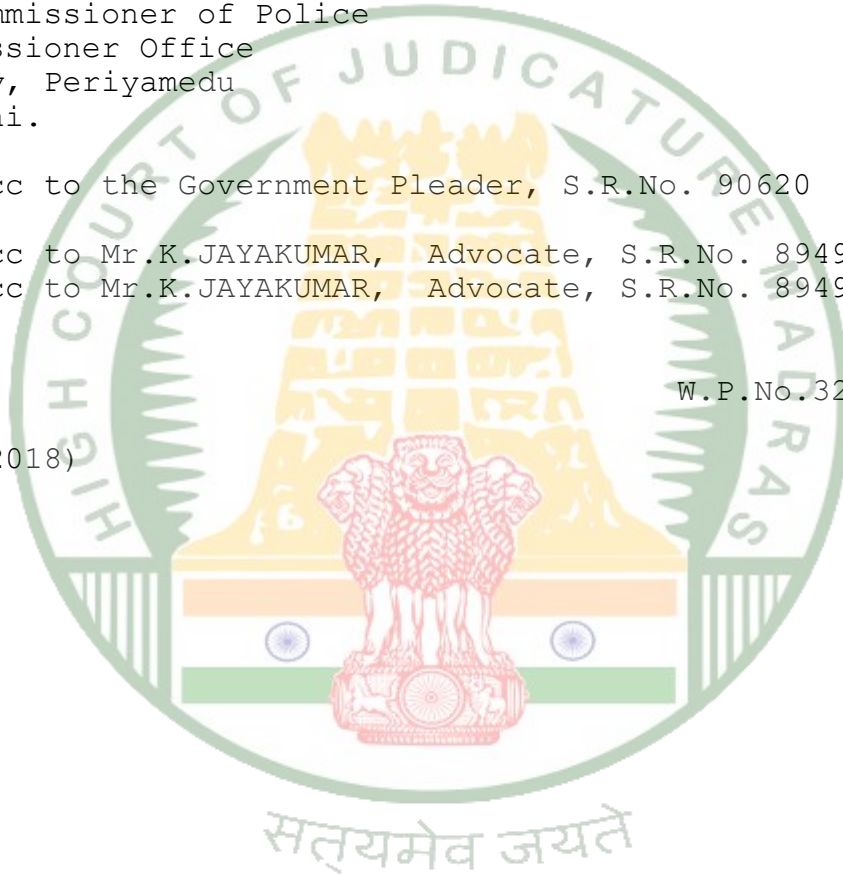
+1cc to the Government Pleader, S.R.No. 90620

+1cc to Mr.K.JAYAKUMAR, Advocate, S.R.No. 89496

+1cc to Mr.K.JAYAKUMAR, Advocate, S.R.No. 89496(10.01.18)

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TR(10/01/2018)



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