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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON: 22.12.2016

DELIVERED ON: 17.02.2017

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MRS.JUSTICE J.NISHA BANU**

W.P.[MD].No.10312 of 2014

S.Andal

.. Petitioner

Vs.

1.The Assistant Registrar (Law),
State Human Rights Commission,
No.143, P.S.Kumarasamy Raja Salai
(Greenways Road), Chennai - 600 028

2.The Superintendent of Police,
Madurai District, Madurai - 625 007.

3.The Inspector of Police,
Villoor Police Station,
Madurai - 625 707.

4.The Inspector of Police,
V-7 Nolambur Police Station,
Chennai -37.

5.The Inspector of Police,
Kallikudi Police Station,
Madurai - 625 701.

6.T.Panneer Selvam

7.S.Nagarathinam

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the 2nd respondent to take appropriate action on the representation of the petitioner dated 24.02.2014 in the light of the direction issued by the 1st respondent dated 14.03.2014.



For Petitioner : Mr.I.Robert Chandrakumar
For 1st respondent : Mr.C.Arulvadivel @ Sekar
For respondents 2 to 5: Mr.N.S.Karthikeyan,
Addl. Government Pleader

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For respondents 6 & 7 : Mr.Veerakathiravan,
Senior Counsel
for M/s.Veera Associates

O R D E R

[Order of the Court was made by **R.SUBBIAH, J.**]

The petitioner has come up with this Writ Petition seeking a direction to the second respondent to take appropriate action on the representation of the petitioner, dated 24.02.2014, in the light of the direction issued by the 1st respondent dated 14.03.2014.

2.0. It is stated in the petition that the petitioner, who is aged about 76 years, along with her husband aged about 85 years, is residing in Madurai. The 6th respondent is the petitioner's elder sister's son and the 7th respondent is the first wife's daughter of the petitioner's husband. The 6th respondent lost his parents at his tender age. Therefore, treating the 6th respondent as their son, the petitioner and her husband conducted marriage of the 6th respondent and permitted him to temporarily stay in the flat owned by the petitioner's younger son. On 11.3.2013, the petitioner's younger son asked the 6th respondent to vacate the said flat. But, the 6th respondent, along with his henchmen, came to the house of the petitioner, insisted to persuade her younger son to convey the said flat to him and also threatened to kill them.

2.1. On the instructions of the petitioner, the petitioner's daughter lodged a complaint, in this regard, to the 2nd respondent, based on which the Police gave protection throughout the night intervening 11.03.2013 and 12.03.2013 to the petitioner and her husband. On 12.03.2013, the petitioner lodged a written complaint before the third respondent. But, the same was not registered. Hence, the petitioner has filed a petition in Crl.O.P.(MD).No.5474 of 2013 before this Court seeking a direction to the respondents Police to register a case. On 30.04.2013, a learned Single Judge of this Court issued a direction to the respondents Police to register a case based on the complaint given by the petitioner, if any cognizable offence is made out. But, the Police officials, instead of registering the complaint given by the petitioner, registered a case against the petitioner and her family members based on the false complaint given by the 6th



respondent. But, the said complaint was, subsequently, closed as mistake of fact on 05.01.2014.

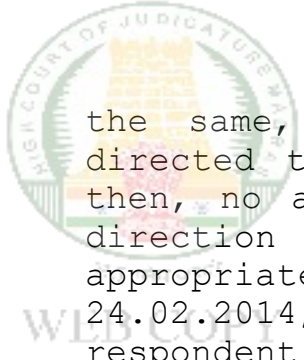
2.2. In the meanwhile, the petitioner's younger son filed a suit in O.S.No.392 of 2013 before the learned District Munsif, Ambatur, for eviction of the 6th respondent from the said property. In order to wreck vengeance, the 6th respondent has lodged several false complaints against the petitioner and her family members. At the instigation of the 6th respondent, the 7th respondent has also lodged several false complaints against the petitioner and her family members. To the shock of the petitioner and her family members, those false complaints were registered by the respondents Police, due to which now the petitioner and her family members have been roaming around one Police Station to the other.

2.3. In this regard, the petitioner has sent a complaint to the first and second respondents on 24.02.2014. Based on the same, the first respondent viz., the Assistant Registrar (Law), State Human Rights Commission, Chennai, by an order dated 14.03.2014, directed the second respondent viz., the Superintendent of Police, Madurai, to enquire into the matter. However, as on date, no action has been taken and not even an enquiry has been conducted by the second respondent. Emboldened by the same, the 6th respondent has been continuing to threaten the petitioner and her family members with malicious prosecution. Hence, the petitioner has come up with this writ petition for the aforesaid prayer.

3. The second respondent has filed a detailed counter affidavit, wherein it is stated that the second respondent, vide memo in C.No.C1/36002/MD/2014, dated 06.08.2014, had deputed the Assistant Superintendent of Police, Tirupparankundram Sub Division, Madurai, to conduct personal enquiry on the representation of the petitioner dated 24.02.2014 and accordingly, the Assistant Superintendent of Police enquired the matter and found that there is no truth in the allegation of the petitioner. However, the Deputy Superintendent of Police, Usilampatti, has been directed to investigate the case registered against the petitioner and her family members in Crime No.7 of 2014. Thus, the prayer made in the writ petition has become infructuous.

4. We have heard the learned counsel appearing for both sides and perused the materials available on record carefully.

5. The main submission of the learned counsel for the petitioner is that since the respondent Nos.6 & 7 have given several false complaints against the petitioner and her family members and threatened to continue the malicious prosecution against her, the petitioner has given a representation dated 24.02.2014 to the first respondent viz., the Assistant Director (Law), State Human Rights Commission, Chennai and on receipt of



the same, the first respondent, vide order dated 14.03.2014, directed the second respondent to enquire into the matter. Even then, no action was taken by the second respondent and hence, a direction may be given to the second respondent to take appropriate action on the representation of the petitioner dated 24.02.2014, in the light of the direction issued by the first respondent dated 14.03.2014.

6.By producing the memo in C.No.C1/36002/MD/2014, dated 06.08.2014 issued by the second respondent and also the report of the Assistant Superintendent of Police, dated 12.08.2014, the learned Additional Government Pleader submitted that in the light of the direction issued by the first respondent, dated 14.03.2014, the representation of the petitioner dated 24.02.2014, has already been considered and closed as there is no truth in the same, and however, considering the facts and circumstances of the case, the case registered against the petitioner and her family members in Crime No.7 of 2014, on the file of the Inspector of Police, T.Kallupatti Circle (Villur P.S.) has been ordered to be investigated by the Deputy Superintendent of Police. A perusal of the said documents would clearly show that the representation of the petitioner dated 24.02.2014 has already been considered and closed. Thus, the prayer in the writ petition has become infructuous. So far as the allegation with regard to the false complaints against the petitioner and her family members is concerned, they can work out their remedy before the appropriate forum in the manner known to law.

7. With the above observation, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar

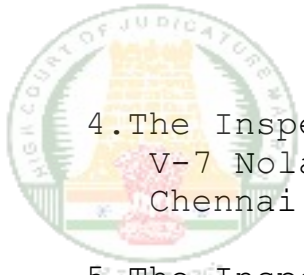
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To

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Madurai - 625 701.

+1 cc to Spl.Government Pleader Sr.No.9201
+1CC to M/S.Veera Associates, Advocate Sr.no.9150
+1CC to Mr.C.Arul Vadivel @ Sekar, Advocate SrNo.9115

GJM/CM/MSA/3.3.17-5p-9C

Pre-delivery Order made in
W.P.[MD].No.10312 of 2014
Dated: 17.02.2017