



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2017

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WEB COPY

THE HON'BLE MR.JUSTICE P.N.PRAKASH

W.P. (MD) No.2068 of 2017

Helan Radhika

... Petitioner

-VS-

1.The District Collector,
Kanyakumari District,
at Nagercoil.

2.The Superintendent of Police,
Kanyakumari District,
at Nagercoil.

3.The Inspector of Police,
Kotticode Police Station,
Kanyakumari District.

4. Mr.Rajamony.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the 1st respondent to take appropriate action on the representation of the petitioner dated 30.01.2017, 31.01.2017 and 03.02.2017 and pass such further or other orders as this Hon'ble Court may deem fit and proper in the above circumstances.

For Petitioner : Mr.K.P.Narayanakumar

For R1 to R3 : Mr.T.S.Mohammed Mohideen,
Addl. Govt. Pleader

O R D E R

This petition has been filed, seeking to direct the 1st respondent to take appropriate action on the representation of the petitioner dated 30.01.2017, 31.01.2017 and 03.02.2017.

2. Heard the learned counsel for the petitioner and learned Additional Government Pleader appearing for the respondents 1 to 3. Mrs.Ebenezar, Special Sub-Inspector of Police, Kotticode Police Station is present.



3. It is the case of the petitioner that on the instruction of R4, false cases are foisted against the petitioner's husband and therefore, the petitioner has given several representations dated 30.01.2017, 31.01.2017 and 03.02.2017 to the respondents 1 & 2 and subsequently, filed the present writ petition for a mandamus, directing them to take appropriate action on her representations.

4. The Inspector of Police, Thuckalay Police Station, Kanyakumari District has filed a counter affidavit, wherein in Paragraph Nos.4 to 7, it is stated as follows:

"4. I respectfully submit with respect to Paras 3 & 4 of the affidavit that the petitioner's husband is a notorious history sheeted criminal in his locality and he is being keenly watched by the Thiruvattar Police in H.S.No.2/2017. There are several crimes pending against him in the Thiruvattar Police, Kulasekharam Police and Kotticode Police, such as Cr.No.124/1998 under section 341, 323, 506(ii) of IPC and Cr.No.385/2016 under section 294 (b), 323, 506(i), 325 of IPC of Thiruvattar Police; Cr.No.311/2016 under section 75 of the Tamil Nadu City Police Act and Cr.No.352/2016 under section 75 of the Tamil Nadu City Police Act of Kulasekharam Police and Cr.No.257/2016 under section 435 of IPC & Section 3(i) of TNPPDL Act and Cr.No.11/2017 under section 341, 294(b), 323, 307, 427 and 506(ii) of IPC of Kotticodu Police.

5. I respectfully submit that the story cooked up by the petitioner and pressed into service in Para 3 of the affidavit is totally false and there was absolutely no occasion for the 4th respondent to have the duty of checking the vehicles of others as like traffic police or law and order Police. The particular set of allegations are invented and introduced by the petitioner for the purpose of suiting her baseless charges against the 4th respondent in the affidavit.

6. I respectfully submit that the crimes registered by the Kulasekharam Police against the petitioner's husband are for the occurrence actually took place at his instance. The case in Cr.No.385/2016 under section 294(b), 323, 506 (i) and 325 of IPC was registered by the Thiruvattar Police only for the occurrence took place at the instance of the petitioner's husband and it was not at all registered at the instance of anybody as alleged. The petitioner's husband has never made any counter complaint to the Thiruvattar Police or to any higher ups in the Police Department or in the administrative side.

7. I respectfully submit with respect to Paras 5 & 6 of the affidavit that the case in Cr.No.257/2016 was



registered on the nature of the complaint preferred by one Manoharan, S/o.Paulian and the investigation on the matter is still pending. The case in Cr.No.11/2017 was also registered on the nature of the complaint preferred by one Vasanthan, in which the petitioner's husband was arrested and remanded to Judicial Custody, in which he has voluntarily given a confession statement admitting the occurrence and commission of offence by him in Cr.No.257/2016 of Kotticode Police. The special team has never visited the house of the petitioner as alleged. Both crimes are pending investigation. The petitioner's husband is a notorious criminal, habitually doing criminal activities causing threat to the person and property of the general public."

5. On a reading of the aforesaid paragraphs, it is seen that the petitioner's husband is involved in several cases and those cases have been registered on the complaint given by different complainants. Therefore, this Court does not find any substance in the allegations made by the petitioner against R4. In the considered opinion of this Court, it is an attempt made by the petitioner to put spokes in the wheel of investigation of cases against her husband.

6. In the result, this petition is devoid of merits and the same is accordingly dismissed. No costs.

Sd/-

Assistant Registrar(Writs)

/True copy/

Sub Assistant Registrar

To:

- 1.The District Collector,
Kanyakumari District,
at Nagercoil.
- 2.The Superintendent of Police,
Kanyakumari District,
at Nagercoil.
- 3.The Inspector of Police,
Kotticode Police Station,
Kanyakumari District.

+1 cc to Mr.K.P.Narayanakumar , Advocate in SR.No. 18706

+1 cc to Special Government Pleader in SR.No:18862

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AE/JC/SAR2/26.04.2017/3P/6C