



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2017

CORAM :

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Writ Petition (MD) No.5128 of 2017

Subbulakshmi

... Petitioner

Vs.

01.The Superintendent of Police,
Office of the Superintendent of Police,
Tirunelveli District.

02.The Inspector of Police,
All Women Police Station,
Ambasamudram,
Tirunelveli District.

03.Thiru.Arjunan

... Respondents

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondent Nos.1 and 2 to take appropriate action on the basis of the representation preferred by the petitioner dated 21.03.2017 in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

For R1 and R2 : Mr.T.S.Mohamed Mohideen

Additional Government Pleader

O R D E R

This writ petition has been filed seeking issuance of Writ of Mandamus to direct the respondent Nos.1 and 2 to take appropriate action on the basis of the representation preferred by the petitioner dated 21.03.2017 in accordance with law within the time stipulated by this Court.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 and 2.

3. The case of the petitioner is that she got married one Arjuna on 23.03.2009 and thereafter, their marriage ran into rough weather. It is alleged that her husband Arjuna took her to house of an Advocate and from there they went to the Sub Court, Ambasamudram, where the petitioner was asked to sign in some papers. But, only later on, she knew that her husband had obtained divorce papers from her, pursuant to which, an ex-parte decree has been passed in H.M.O.P.No.75 of 2015 by the Subordinate Judge, Ambasamudram granting dissolution of the marriage dated 23.03.2009. Hence, the petitioner has given a representation dated 21.03.2017 to the respondent police and has approached this Court by filing the



present writ petition for issuance of writ of mandamus to take action on her complaint.

4. In the considered opinion of this Court, if a decree has been obtained by fraud, remedy available to the petitioner is not to approach the police, because, the police have no authority to sit over the judicial orders. It is open to the petitioner to approach the concerned court and have a decree set aside by establishing that the same has been obtained by fraud. That apart, the police cannot take action against the Advocate, who had taken up the brief, without adequate reasons thereof. It is a matter to be decided by the Bar Council and not by the police.

5. In such circumstances, this petition is dismissed giving liberty to the petitioner to work out her remedy in the manner known to law. No costs.

Sd/-
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

01.The Superintendent of Police,
Office of the Superintendent of Police,
Tirunelveli District.

02.The Inspector of Police,
All Women Police Station,
Ambasamudram,
Tirunelveli District.

03.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No. 18130
+1 CC to M/s.R.Alagumani, Advocate, Sr.No.17822

CM
PSM/MR/SAR4/07.04.2017/2P/6C

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