



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2017

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

W.P. (MD) No.23789 of 2016

C.Thangam

... Petitioner

-vs-

1. THE PRINCIPAL SECRETARY TO GOVERNMENT,
HOME, PROHIBITION AND EXCISE DEPARTMENT,
SECRETARIAT, HEAD QUARTERS,
CHENNAI.
2. THE DIRECTOR GENERAL OF POLICE
OFFICE OF THE DIRECTOR GENERAL OF POLICE,
DR.RADHAKRISHNAN SALAI, MYLAPORE,
OPP. QUEEN MARYS COLLEGE, CHENNAI.
3. THE INSPECTOR GENERAL OF POLICE,
CENTRAL ZONE, SUBRAMANIAPURAM,
TOLL GATE, TRICHY.
4. THE SUPERINTENDENT OF POLICE
DISTRICT POLICE OFFICE,
SUBRAMANIAPURAM,
PUDUKOTTAI ROAD, TRICHY.
5. THE SUB INSPECTOR OF POLICE
MANAPPARAI POLICE STATION,
TRICHIRAPPALLI DISTRICT.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the respondents Nos.1 to 4 to appoint a competent Station House Officer to register petitioner's complaint dated 28.11.2016 as an FIR and further direct him to investigate into the matter and to file the final report within the stipulated period under the direct monitoring as prescribed by this Honble Court.

For Petitioner : Mr.M.Pitchai Muthu

For Respondents : Mr.T.S.Mohammed Mohideen,
Addl. Govt. Pleader



ORDER

This writ petition has been filed for a direction to the respondents 1 to 4 to appoint a competent Station House Officer to register the petitioner's complaint dated 28.11.2016 with further direction to investigate into the matter and to file a final report.

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

3. It is the case of the petitioner that she has a son by name Manikanda Sankar and that he was supposed to get married to one Keerthika on 05.09.2016 at Selvalakshmi Marriage Hall. While the marriage ceremony was in progress, Police intervened and took away her son for enquiry, on the complaint given by one Jeenath. It is the contention of the petitioner that the Police prevented the marriage of her son with Keerthika and they forcibly got him married to Jeenath. Hence, she has filed the present writ petition with the above prayer.

4. On notice, the 5th respondent has filed a counter, wherein in Paragraph Nos.6 & 7, it is stated as follows:

"6. It is respectfully submitted that on 05.09.2016, one Jeenath, D/o.Shajakhan had appeared before the All Women Police Station, Manapparai and lodged a written complaint dated 05.09.2016 stating that the petitioner's son namely Manikanda Sankar and herself had fallen in love and they have loved each other sincerely for the past 6 years. It is further stated in the complaint that the petitioner's son namely Manikanda Sankar had made false promise to marry her and he also had sexual intercourse with her. Apart from that the said Jeenath has brought to the notice that she has been subjected to miscarriage by the petitioner's son namely Manikanda Sankar. Since the averments made in the complaint discloses serious nature, the Inspector of Police, All Women Police Station, Manapparai had received the complaint from the said Jeenath and issued a C.S.R.Receipt No.220/2016 dated 05.09.2016.

7. It is respectfully submitted that on the basis of the complaint dated 05.09.2016 given by the Jeenath, the said C.Manikanda Sankar, S/o.Chinnasamy was enquired. During the investigation, the said Manikanda Sankar had revealed that he has been forced by his parents to marry one Kirthika on 05.09.2016 against his wishes. The petitioner's son also admitted that he has fallen love with the said Jeenath and he is loving her for the past 5



years and agreed to marry her by following Hindu Rites and Customs. The said statement was given by the petitioner's son on his own volition in presence of two witnesses, namely S.Kumar and P.Durairaju."

5. On the direction of this Court, Manikanda Sankar is present and is represented by Mr.Balaji, Advocate. The fact remains that Manikanda Sankar is 27 year old and that he has filed SMOP No.4 of 2017 before the learned Principal District Judge, Trichy for annulling the alleged marriage with Jeenath that is said to have been held on 05.09.2016. This writ petition has been filed on 05.09.2016 by the mother of the said Manikanda Sankar. This Court does not want to say anything more, as that would cause prejudice to the pending litigations. Suffice to say that when Manikanda Sankar is able to take care of his issues with Jeenath, it may not be necessary for Thangam to carry his cross.

6. In the result, this petition is closed with liberty to the petitioner to work out her remedy before the appropriate forum in the manner known to law. No costs.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To:

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+1cc to Spl.Government Pleader Sr.No. 16650

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