



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.04.2017

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THE HON'BLE MR.JUSTICE P.N.PRAKASH**W.P.(MD) No.23914 of 2016 and****W.M.P.(MD) No.17249 of 2016**

Suberiya Banu

... Petitioner

-vs-

1. State represented by the Secretary,
Home Department,
Fort St.George,
Chennai.

2. The Director General of Police,
DGP Office, Beach Road,
Chennai.

3. The Commissioner of Police,
Madurai City, Madurai.

4. The Superintendent of Police,
CBCID, Camp Office,
Madurai.

5. The Inspector of Police,
Vilakuthoon Police Station,
Madurai.

6. R.Paravasudevan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the Respondent No.3 to transfer the investigation in Crime No.1527 of 2016 on the file of the Respondent No.5 to the Respondent No.4 and consequently direct the Respondents No.1 to 3 to take appropriate actions against the Respondent No.6.

For Petitioner : Mr.S.M.A.Jinnah
For R1 to R5 : Mr.T.S.Mohammed Mohideen,
Addl. Govt. Pleader

O R D E R

This petition has been filed, seeking to direct the Respondent No.3 to transfer the investigation in Crime No.1527 of 2016 on the file of the Respondent No.5 to the Respondent No.4 and consequently direct the Respondent Nos.1 to 3 to take appropriate actions against the Respondent No.6.



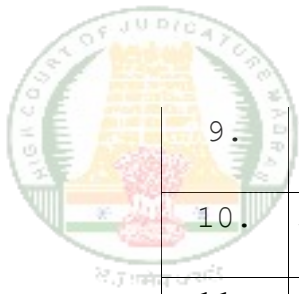
2. It is the case of the petitioner that her husband Jahir Hussain is being unnecessarily harassed by the Police and false cases have been foisted against him by the Police. It is her further contention that the 4th respondent has registered a false case in Crime No.1527 of 2016 against her husband and therefore, she has filed the present writ petition with the above prayer.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 5.

4. The Inspector of Police, Vilakkuthoon Police Station has filed a counter affidavit, wherein he has listed the number of cases, in which the petitioner's husband is involved. It may be necessary to extract the same as follows:

"5. I submit that the present writ petition filed by this writ petitioner is not at all maintainable under law as well as on facts. Most of the allegations made in the affidavit are all false, incorrect and unsustainable under law. Furthermore, according to police investigation several other complaints are pending against this petitioner's husband namely Jahir Hussain in other Police Stations, viz., B-1, Vilakkuthoon Police Station, Madurai; (2) B-3, Teppakulam Police Station, Madurai and (3) Anna Nagar Police Station in Chennai City, which are detailed below:

S.No.	F.I.R.Number	Offence under Sections	Name of Police Station
1.	825/2002	379 IPC	Anna Nagar Police Station, Madurai
2.	16/2003	376,312 r/w 147 IPC	AWPS, Thallakulam Police Station, Madurai.
3.	1009/2005	399 of IPC	Theppakulam Police Station, Madurai
4.	1154/2007	Copy Right Act	Anna Nagar Police Station, Madurai
5.	250/2008	147,148,427,323,506 (2) IPC	B-3, Teppakulam Police Station, Madurai
6.	396/2010	147,148,323,506(1) IPC	B-3, Teppakulam Police Station, Madurai
7.	17/2011	406,420 IPC	CCB, Madurai City, Madurai.
8.	917/2013	457,380 IPC	B-1, Vilakuthoon Police Station, Madurai



9.	754/2015	147, 447, 294(b) 506(1) IPC	B-1, Vilakuthoon Police Station, Madurai
10.	310/2016	341, 302 IPC	B-3, Teppakulam Police Station, Madurai
11.	621/2016	8(c), 20(b)(ii)(b), 25 and 29 (1) Narcotic Drugs Psychotropic Substances Act, 1985	Anna Nagar Police Station, Madurai
12.	1527/2016	294(b), 448, 341, 351, 506(1) IPC	B-1, Vilakuthoon Police Station, Madurai

The above said particulars will go to prove that the petitioner's husband is an habitual offender and is interested in committing crimes. Furthermore, not only stopping with this, it is learnt that some other cases are also pending not only in Madurai but also in other Metropolitan Cities like Chennai, which are all pending. It is further submitted that the name of the petitioner's husband has also taken place in the "History Sheeted Rowdies List" as Number 742 of 2005 on the file of the B-3, Teppakulam Police Station and hence he has been detained under Goondas Act in 92/BCDFGISSSB/2016 dated 13.12.2016 and TPDA Number 6092 dated 13.12.2016 on the basis of the report of this respondent."

5. As regards the case in Crime No.1527 of 2016, the same has been registered on the complaint given by one Mohamed Ali Jinnah for offences under Sections 294(b), 448, 341, 351 and 506(i) IPC. The offences are not so serious in nature warranting transfer of investigation as prayed for by the petitioner. Hence, this petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To:

1. The Secretary,
Home Department,
Fort St.George,
Chennai.

2. The Director General of Police,
DGP Office, Beach Road,
Chennai.



3. The Commissioner of Police,
Madurai City, Madurai.
4. The Superintendent of Police,
CBCID, Camp Office, Madurai.
5. The Inspector of Police,
Vilakuthoon Police Station,
Madurai.

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No. 50720

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PSM/JC/03.05.2017/4P/7C

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