

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.4935 of 2018

G.Vimala

.. Petitioner

-vs-

The State rep by

1. The Secretary
Home Department
Secretariat's office
Chennai 600 009
Tamil Nadu

2. The Director General of Police
Office of the Director General
Radhakrishnan Road
Mylapore
Chennai 600 004

3. The Commissioner of Police
Commissioner Office
Vepery, Periyamedu
Chennai 600 007

4. Valliammal

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents 1 to 3 to dispose of the petitioner's representation dated 01.02.2018 to take appropriate departmental action against the fourth respondent Sub Inspector of All Women Police, All Women Police Station, Tambaram, Chennai within a time frame as may be fixed by this Hon'ble Court.

For Petitioner :: Mr.K.Jayakumar

For Respondents:: Mr.V.Kadhirvelu
Special Government Pleader
for R1 to 3

ORDER

This writ petition has been filed seeking a mandamus directing the respondents 1 to 3 to dispose of the petitioner's representation dated 1.2.2018 to take appropriate departmental action against the fourth respondent-Sub Inspector of Police, All Women Police Station, Tambaram, Chennai within a specified time limit.

2. Learned counsel for the petitioner submitted that the petitioner divorced from her first husband due to family issues and thereafter she was separated lawfully and a decree of divorce was obtained from the Tambaram Court. Later on, while she was living separately, one Mr.Gunasekar, who is also residing in Arignar Anna Street, Lakshmipuram, Chromepet, Chennai, approached the petitioner with pacifying words that he was also married with one Manjula and divorced her also on personal grounds. Therefore, he expressed his willingness to live with the petitioner. But, all of a sudden, he left her joining with Manjula, his first wife. As she was deserted by Mr.Gunasekar, a complaint was given before the All Women Police Station, Tambaram on 30.8.2017. On receipt of the complaint, the Inspector of Police, All Women Police Station, Tambaram informed the petitioner that she should file her complaint before the police station at Sriperumbudur for want of jurisdiction. Thereafter, Mr.Gunasekar with his first wife Manjula accompanied with five other unidentified persons came to her house at 11.00 P.M., on 8.9.2017 and badly beaten her, as a result she also sustained injuries. Immediately thereafter, on 9.9.2017, she made a complaint on the file of All Women Police Station against Mr.Gunasekar, Manjula and five other unidentified persons. But the Inspector of Police failed to take action. Therefore, one another complaint was given to the Commissioner of Police and the Inspector of Police, All Women Police Station, Tambaram through speed post on 10.9.2017. Finding no response, she filed CrI.O.P.No.19431 of 2017 before this Court seeking a direction for registration of First Information Report against the culprits. Subsequently, the petitioner was threatened by the said Mr.Gunasekar and others posing a threat to her life also. Only after a contempt petition was filed before this Court, the First Information Report was registered in Crime No.34 of 2017 and subsequently the same was also closed without proper enquiry. As against the closure of the complaint, the petitioner has approached the learned Judicial Magistrate at Tambaram and the matter is under consideration.

3. In the light of the above, without waiting for the final result of the pending issue, the petitioner cannot come to this Court. Moreover, this Court is not able to find any merit whatsoever in the present writ petition. When the petitioner

also has admitted that she had lived with Mr.Gunasekar for some time, the period of such living has not been shown and there is no proof whatsoever to show that the said Mr.Gunasekar has married the petitioner. For all these reasons, the writ petition fails and it is dismissed. No costs.

-s/d-

Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

ss

To

1. The Secretary to Government
Home Department
Fort St.George
Chennai 600 009
2. The Director General of Police
Office of the Director General
Radhakrishnan Road
Mylapore
Chennai 600 004
3. The Commissioner of Police
Commissioner Office
Vepery, Periyamedu
Chennai 600 007

+2 Ccs to Mr.K. Jayakumar, advocate sr 16935.

सत्यमेव जयते

W.P.No.4935 of 2018

MP(CO)
SP(23/03/2018)

WEB COPY