

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2018

CORAM:

THE HONOURABLE MR. JUSTICE HULUVADI G.RAMESH  
AND  
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.A.No.977 of 2018 and CMP.No.8268 of 2018

G.Vimala

.... Appellant

Vs

1. The State rep. by the Home Secretary,  
Secretariat, Chennai, Tamil Nadu.
2. The Director General of Police,  
Office of the Director General,  
Radhakrishnan Road, Mylapore,  
Chennai.
3. The Commissioner of Police,  
Commissioner Office,  
Vepery, Periyamedu,  
Chennai.
4. Valliammal

.... Respondents

Prayer : Writ Appeal filed under Clause 15 of the Letter Patent against the order dated 06.03.2018 made in W.P.No.4935 of 2018 by a learned Single Judge.

Prayer in WP.No.4935/2018

Petition under Article 226 of the Constitution of India, Praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 3 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 Appellant

:: Mr.K.Jayakumar

For Respondents

:: Mr.P.S.Siva Shanmuga Sundaram

1 to 3

Special Government Pleader

## JUDGMENT

(Judgment of the Court was pronounced by HULUVADI G.RAMESH, J.)

The Writ Appeal is directed against the order dated 06.03.2018 made in W.P.No.4935/2018 by a learned Single Judge.

2. The Writ Petition has been filed by the petitioner therein praying to issue 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 4<sup>th</sup> respondent, namely, Sub-Inspector of All Women Police Station, Tambaram, Chennai, within a time stipulated by this Court. The said Writ Petition was dismissed by the learned Single Judge by order dated 06.03.2018. Aggrieved over the same, the petitioner is before this Court with this Writ Appeal.

3. Heard the learned Counsel for the appellant and the learned Special Government Pleader appearing for the respondents 1 to 3. We have also gone through the typed set of papers filed along with the writ appeal including the order passed by the learned Single Judge.

4. A perusal of the records would go to show that the appellant 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 her 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 her. 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 appellant 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/appellant 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.

5. Under such circumstances, the truth of the matter has to be ascertained either by the Police Department or by the Magistrate concerned, if a private complaint is filed. In the normal course, if the police refused to register any complaint, as per the procedure contemplated under the Code of Criminal Procedure, one can very well approach the learned Magistrate concerned. In the case on hand, it appears that the appellant has already approached the learned Judicial Magistrate, Tambaram and the matter is under consideration.

6. At this stage, we do not find any scope for interference by directing the respondents 1 to 3 to take appropriate departmental action against the 4<sup>th</sup> respondent, namely, Sub-Inspector of All Women Police Station, Tambaram, Chennai. It is for the appellant to move the learned Judicial Magistrate, Tambaram for appropriate relief, who would in turn, look into the pros and cons of the matter as to whether the claim of the appellant is genuine or one of some frustration and thereafter, give a best remedy to the appellant in accordance with law.

7. With the above observation, the Writ Appeal is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS IX)

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Sub Assistant Registrar

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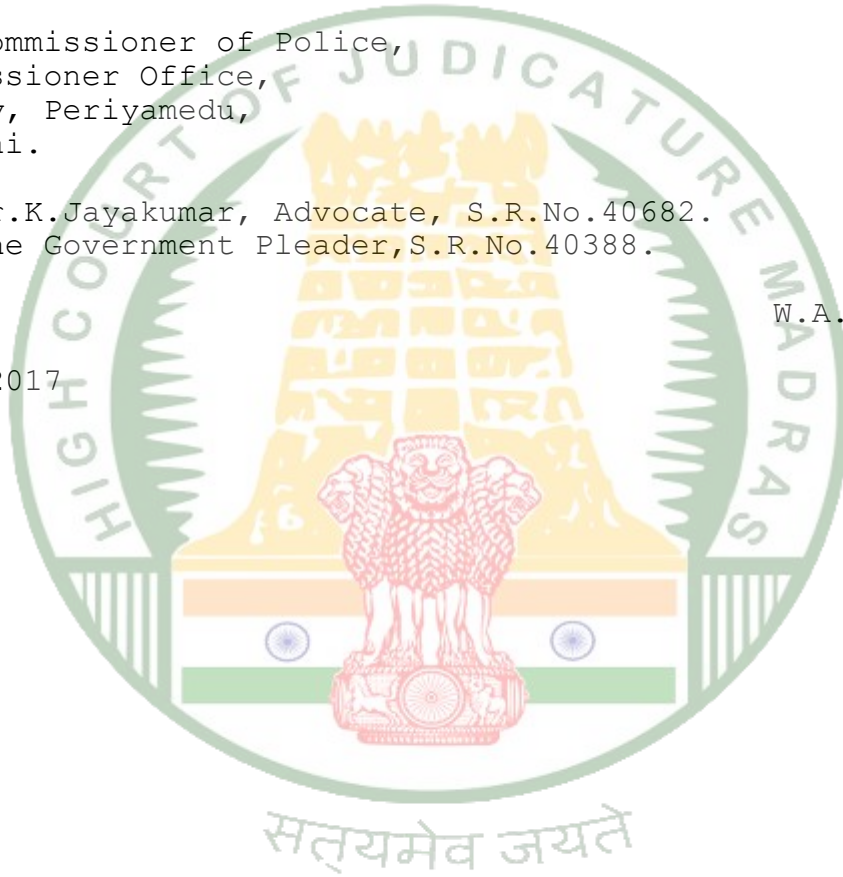
To

1. The Home Secretary,  
Secretariat, Chennai, Tamil Nadu.
2. The Director General of Police,  
Office of the Director General,  
Radhakrishnan Road, Mylapore,  
Chennai.
3. The Commissioner of Police,  
Commissioner Office,  
Vepery, Periyamedu,  
Chennai.

+2cc to Mr.K.Jayakumar, Advocate, S.R.No.40682.  
+1cc to the Government Pleader, S.R.No.40388.

W.A.No.977/2018

RSK(CO)  
BM 13/07/2017



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