

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2018

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.30399 of 2013
and M.P.No.1 of 2013

M.Sujatha

...Petitioner

Versus

1. The State of Tamilnadu,
Represented by its
Commissioner of Police,
Egmore,
Chennai-600 008.

2. The Inspector of Police (Crime),
R.1 Mambalam Police Station,
T.Nagar,
Chennai-600 017.

3. Mr.Durai,
Inspector of Police (Crime)
R.1 Mambalam Police Station,
T.Nagar,
Chennai-600 017.

.. Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the first respondent to consider the representation of the petitioner dated 24.10.2013 to provide Police Protection to the petitioner's husband N.Prabudas and the petitioner's son M.P.Stephen to live peacefully from their home from the hands of Mr.Durai, Inspector of Police, R.1 Mambalam Police Station with other 10 police constables.

For Petitioner : Mr. Kingston Jerold

For Respondents : Mr.V.Shanmugasundar

Special Government Pleader

O R D E R

The Writ Petition is filed seeking for a Writ of Mandamus, directing the first respondent to consider the representation of the petitioner dated 24.10.2013 to provide Police Protection to the petitioner's husband N.Prabudas and the petitioner's son M.P.Stephen.

2 Heard Mr. Kingston Jerold, learned counsel for the petitioner, Mr.V.Shanmugasundar, learned Special Government Pleader for the respondents and perused the records.

3 The case of the petitioner is that on 16.10.2013, the third respondent along with other ten police constables came to her house and harassed her husband N.Prabudas and her son to implicate them in a false case. Hence, the petitioner submitted a representation to the first respondent on 24.10.2013 to take necessary action against 3rd respondent. However, no response was forthcoming from the first respondent. Hence, the petitioner is before this Court by filing the present writ petition.

4 In the counter filed by the third respondent, it is stated that on 27.09.2013, one Mahesh Kumar lodged a complaint with the third respondent for missing of 5 kg of gold ornaments. On the basis of the complaint, a case in Cr.No.1329 of 2013 was registered for an offence under Section 379 of IPC. Suspecting the involvement of the petitioner's husband and son in the said case, they searched the said Stephen. After investigation, a charge sheet was filed showing Stephen is A2. It is further stated that the petitioner's son is also an accused in the following cases:

a. Cr.No.761/2010 for the offences u/s 341, 397, 336, 427, 506(ii) of IPC in J-1 Saidapet Police Station.

b. Cr.No.615/2010 u/s 379 IPC in J-1 Saidapet Police Station.

c. Cr.No.388/2010 u/s 392, 506(ii) of IPC in J-4 Kotturpuram Police Station.

d. Cr.No.613/2010 u/s 379 of IPC in J-5 Shastri Nagar Police Station.

e. Cr.No.28/2011 u/s 379 IPC Pudukottai District Avudayar Koil Police Station.

5 The Investigation Officer, who is present before this Court submitted that still said Stephen cannot be secured and the charge sheet have been filed showing him as an absconding accused.

6 In the light of the above facts, this Court is of the opinion that no interference is warranted. Hence, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

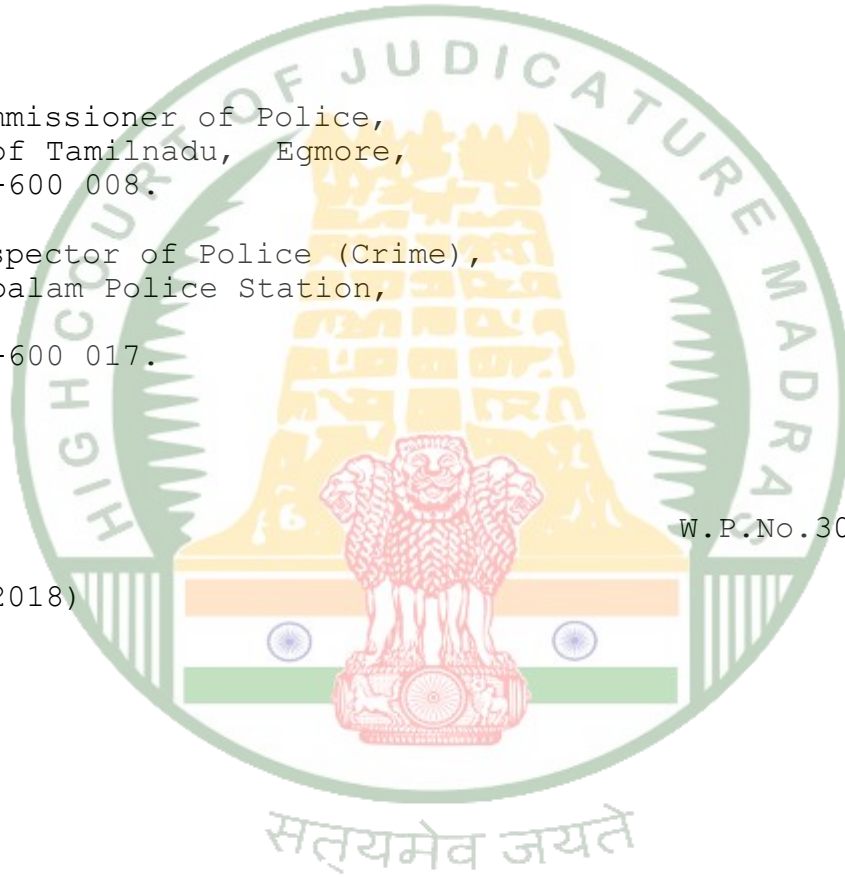
rpl

To

1. The Commissioner of Police,
State of Tamilnadu, Egmore,
Chennai-600 008.
2. The Inspector of Police (Crime),
R.1 Mambalam Police Station,
T.Nagar,
Chennai-600 017.

W.P.No.30399 of 2013

TR(21/02/2018)



WEB COPY