



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Order Reserved on :05.03.2018

Order Pronounced on :09.03.2018

CORAM

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

W.P(MD) No.2859 of 2018

Mrs.R.Fathima

... Petitioner

-Vs-

1.The Chief Secretary,
Govt. of Tamil Nadu,
Chennai- 600 009.

2.The Home Secretary,
Govt. of Tamil Nadu,
Chennai-6000 009.

3.The Director General of Police,
Govt. of Tamil Nadu,
Chennai.

4.The Superintendent of Police,
Thanjavur District,
Thanjavur.

.....Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying to issue writ of mandamus directing the respondents to consider the representations dated 21.10.2016 and 22.10.2016 of the petitioner and protect the petitioner from the police harassment with appropriate orders and also requested that all the false F.I.R.Nos.206/2010 and 190/2014 to be quashed and help the petitioner to continue her service to the society in free and fair manner.

For Petitioner

:Mrs.R.Fathima
(party-in-person)

For Respondents

:Mr.N.Shanmugaselvam
Addl. Govt. Pleader

O R D E R



21.10.2016 and 22.10.2016 and protect the petitioner from the police harassment with appropriate orders and also to quash the F.I.R.Nos.206/2010 and 190/2014.

2. Heard the petitioner/party-in-person and the learned Additional Government Pleader appearing for the respondents.

3. The petitioner/party-in-person has submitted that she is doing social work by filing Public Interest Litigations. She further submitted that she used to send complaints against the corrupt police officials and to take revenge, the Inspector of Police, Kabisthalam Police Station, Thanjavur District, has registered a false case against her in Cr.No.206 of 2010. She further submitted that after four years, a charge-sheet has been filed and the case was taken on file in C.C.No.209 of 2014 on the file of the Judicial Magistrate, Papanasam. She further submitted that subsequently, the Inspector of Police, Kumbakonam West Police Station, has registered a false case in Cr.No.190 of 2014 and based on that, a charge-sheet has been filed and the same was taken on file in C.C.No.120 of 2015 on the file of the Judicial Magistrate, Kumbakonam. She further submitted that both the cases are false cases and therefore, the concerned F.I.Rs have to be quashed. She also submitted that the aforesaid Inspectors are harassing the petitioner and also criminally intimidating her and hence, she requests this Court to direct the respondents not to harass her.

4. The learned Additional Government Pleader appearing for the respondents has submitted that one Riswanullah of Thiruvannamalai District has lodged a complaint on 11.10.2010 before the Inspector of Police, Kabisthalam, Thanjavur District, stating that the petitioner herein has borrowed Rs.20,000/- and subsequently he made a request to the petitioner to repay the said amount and at that time, the petitioner has abused him and also criminally intimidated him and hence, a case was registered in Cr.No.206 of 2010 under Section 294(b), 420 and 506(i) I.P.C. He further submitted that after investigation, a charge-sheet was filed before the Judicial Magistrate, Papanasam and the case was taken on file in C.C.No.209 of 2014 and since the petitioner has not appeared before the said Court, a non-bailable warrant has been issued and even thereafter, the petitioner did not appear. He further submitted that the learned Judicial Magistrate, Papanasam, has initiated proceedings under Section 446 Cr.P.C against the sureties. He further submitted that on 29.06.2014, one Balaji gave a complaint before the West Police Station, Kumbakonam stating that the petitioner herein has demanded Rs.500/- as mamool per day and abused him and also criminally intimidated him and based on the said complaint, a case was registered in Cr.No.190 of 2014 under Sections 294(b), 386 and 506(i) I.P.C. He further submitted that after investigation, a charge sheet has been filed in Cr.No.190 of 2014 by the West Police Station, Kumbakonam and based on that, the case was taken on file in C.C.No.120 of 2015 on the file of the Judicial Magistrate, Kumbakonam and the said case is posted to 14.03.2018 for appearance



of the petitioner. He further submitted that since charge-sheets have been filed, FIRs cannot be quashed.

5. For quashing the F.I.Rs, the petitioner should have filed a petition under Section 482 Cr.P.C, but the petitioner has filed the writ petition to quash the F.I.Rs. Even assuming that this Court is having jurisdiction to quash the F.I.Rs, by exercising writ jurisdiction, with regard to the aforesaid F.I.Rs, charge-sheets have been filed and the cases have been taken on file by the concerned Courts. In one case, non-bailable warrant is pending against the petitioner. Under the said circumstances, the F.I.Rs cannot be quashed. It is open to the petitioner either to approach the trial courts and file petitions to discharge from the charges or she has to file petitions under Section 482 Cr.P.C to quash the charge-sheets, by impleading the concerned Inspectors of Police and defacto complainants as respondents.

6. In this writ petition, the petitioner has also requested this Court to direct the respondents not to harass her. Insofar as the said relief is concerned, considering the fact that the petitioner is a Social activist and she has filed several Public Interest Litigations, the respondents are directed not to harass her except under due process of Law.

7. With the aforesaid observation, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Chief Secretary, Govt. of Tamil Nadu, Chennai- 600 009.

2. The Home Secretary, Govt. of Tamil Nadu, Chennai-6000 009.

3. The Director General of Police, Govt. of Tamil Nadu, Chennai.

4. The Superintendent of Police, Thanjavur District, Thanjavur.

+3CC to Mr.R.Fathima, Advocate, SR.No. 54089

+1CC to the Special Government Pleader SR.No.54501

W.P. (MD) .No.2859 of 2018
09.03.2018

VS

<https://hcservices.courts.gov.in/hcservices/>
AM/RR/SAR 2/27.03.2018/3P/9C