



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE **S.M.SUBRAMANIAM**

W.P.(MD) No.7109 of 2013

Vasuki

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Secretary,
Home Department, Fort St.George,
Secretariat, Chennai.
2. The Director General of Police,
Office of the Director General of Police,
Beach Road,
Chennai.
3. The Superintendent of Police,
Office of the Superintendent of Police,
Trichy District, Trichy.
4. Madhan
The Inspector of Police,
Thuvakudi Police Station,
Trichy District.

... Respondents

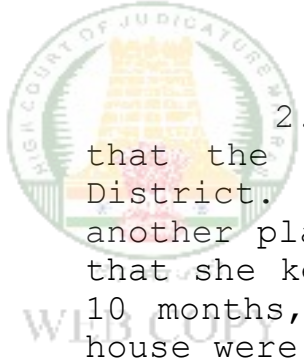
Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondent nos.1 and 2 to initiate necessary proceedings against the respondent no.4 of his dereliction of duty on the basis of petitioner's representation dated 25.03.2013.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.M.Muthu
Additional Government Pleader

ORDER

The relief sought for in this writ petition is for a direction to direct the respondents 1 and 2 to initiate necessary proceedings against the fourth respondent for his dereliction of duty on the basis of the petitioner's complaint/representation dated 25.03.2013.



2.The learned counsel appearing for the petitioner states that the petitioner is residing in Thuvakudi, Thiruchirappalli District. The petitioner vacated the house and residing in another place for about 10 months. The claim of the petitioner is that she kept some valuable gold jewels inside the house and after 10 months, she came to the house, the articles kept inside the house were stolen.

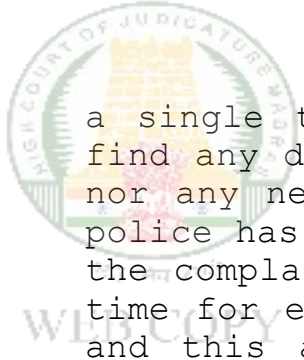
3.Under these circumstances, the petitioner has given a complaint to the fourth respondent but the fourth respondent has not registered the complaint. Thereafter, the petitioner sent a registered letter to the Chief Minister Cell and in spite of that, no action had taken, either to register the complaint or to conduct any investigation in this regard.

4.The learned Additional Government Pleader appearing on behalf of the respondents states that the husband of the writ petitioner had involved in criminal case. The complaint was given against the brother-in-law of the husband of the writ petitioner and there was internal dispute between the husband of the writ petitioner and his brother-in-law. The writ petitioner was facing criminal cases one in Crime No.66 of 2012 under Sections 294(b), 329, 441, 379, and 380 of IPC and Section 3 of TNPPDL Act and another case in Crime No.68 of 2012 under Section 294(b) 341 and 307 r/w 114 IPC and the writ petitioner had absconded along with her family members. Subsequently, the husband of the writ petitioner applied for anticipatory bail and the same was granted on 07.06.2012. Thus, the very same complaint sent by the writ petitioner cannot be taken into account, at that point of time. Thereafter, the respondents have conducted an enquiry in respect of the complaint sent by the writ petitioner and action was taken. However, the writ petitioner and her family members had not co-operated for enquiry and in spite of several attempts made by the police, the writ petitioner did not appear before the respondent police for enquiry even for a single time. Contrarily, the writ petitioner sent representations to various officials only through registered post.

5.Under these circumstances, the respondent police was unable to conduct an enquiry as well as to conduct further investigation in respect of the complaint sent by the writ petitioner.

6.At the outset, this Court is of the opinion that on account of the registration of two criminal cases against the husband of the writ petitioner, the writ petitioner vacated the house and her husband was also absconding.

7.Under these circumstances, the complaint was sent through registered post and thereafter the police made an attempt to conduct enquiry by calling the writ petitioner and the writ petitioner failed to appear before the respondent police even for



a single time. In the above circumstances, this Court did not find any dereliction of duty on the part of the fourth respondent nor any negligence. The complainant who sent a complaint to the police has to co-operate for investigation and for an enquiry. If the complainant not co-operated and not attended even in a single time for enquiry, this Court cannot blame the competent authority and this apart, the husband of the writ petitioner is also an accused in two criminal cases and one of the cases is also relating to theft. Under these circumstances, the claim made by the petitioner cannot be trusted upon. The writ petitioner has not established any prima facie case, so as to interfere with the action of the respondents. Thus, the writ petition is devoid of merits and stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary,
Home Department,
Fort St.George,
Secretariat,
Chennai.
2. The Director General of Police,
Office of the Director General of Police,
Beach Road,
Chennai.
3. The Superintendent of Police,
Office of the Superintendent of Police,
Trichy District,
Trichy.

+ 1 cc TO Mr.R.Alagumani , Advocate in SR No. 52811
+ 1 cc TO The Special Government Pleader in SR No. 52900

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AE/KK/SAR1/26.03.2018/3P/6C

W.P.(MD) No.7109 of 2013
01.03.2018