

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:01.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.6273 of 2018

Susma Alaguvadivel

...Petitioner

Vs.

1.The Superintendent of Police
Kanchipuram District
Kanchipuram

2.The Deputy Superintendent of Police
O/o.The Deputy Superintendent of Police
Mamallapuram
Kanchipuram District

3.The Inspector of Police
Kalpakkam Police Station
Kalpakkam
Kanchipuram District

...Respondents

PRAYER:Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the 3rd respondent to comply with the order passed by the learned Judicial Magistrate, Thirukkazhukundram in CMP No.2689 of 2017 on 10.10.2017 within the time frame that may be fixed by this Court.

For Petitioner : Mr.A.Venkatesan

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

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ORDER

The Criminal Original Petition has been filed by the petitioner under Section 482 of Cr.P.C., to direct the 3rd respondent to comply with the order passed by the learned Judicial Magistrate, Thirukkazhukundram in CMP No.2689 of 2017 on 10.10.2017 within the time frame that may be fixed by this Court.

2.The learned counsel for the petitioner would submit that the petitioner is a Technician at PRP division at Atomic Power station Kalpakkam. During the course of employment one of her senior officers committed sexual harassment against the petitioner. The petitioner's husband got angry and pushed down the accused who involved in the sexual harassment, for which, the petitioner's husband was issued charge memo and enquiry was conducted and the petitioner was also participated in the enquiry as one of the witnesses, which was conducted in the room No.230 at AO-III, Cabin. Later, the petitioner noticed a hidden camera fixed under the table by the officer. The same was fixed there illegally in order to capture illegal image of women and also damage the modesty of women. Immediately on 09.12.2013, the petitioner sent a complaint to the 3rd respondent, sought to register the FIR against the persons who installed hidden camera and captured the body in closer view in the enquiry room though the 3rd respondent received a complaint and issued the CSR No.5054920, dated 27.06.2014, they have not registered the complaint. Therefore, the petitioner sought the direction under Section 156(3) of Cr.P.C. to register the complaint before the learned Judicial Magistrate at Thirukkazhukundram. Accordingly, on 10.10.2017, the learned Judicial Magistrate was pleased to direct the 3rd respondent to conduct proper investigation regarding the complaint. Despite the direction, the 3rd respondent willfully neglected to obey the order of this Court. Hence, the petitioner filed a contempt petition in CMP No.5193 of 2017 which is pending before the learned Judicial Magistrate, Thirukkazhukundram. The 3rd respondent failed to exercise their duty even after producing the order of the Court. Hence, this petition.

3.Heard the counsel for the petitioner as well as the learned Additional Public Prosecutor.

4.It is seen that there is a direction in CMP No.2689 of 2017 dated 10.10.2017 by the learned Judicial Magistrate, Thirukkazhukundram, wherein, the learned Judicial Magistrate directed the 2nd respondent to conduct proper investigation on the complaint lodged by the petitioner and register the same. Even then, the 3rd respondent have not taken any steps to register the complaint as directed by the learned Judicial Magistrate, Thirukalukundram.

5.Considering the same, the 3rd respondent is hereby directed to register the complaint lodged by the petitioner as directed by the learned Judicial Magistrate, Thirukalukundram, within a period of two weeks from the date of receipt of a copy of this order.

6. Accordingly, this Criminal Original Petition stands disposed of.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To.

1.The Judicial Magistrate,
Thirukalukundram.

2.Do through The Chief Judicial Magistrate,
Kancheepuram.

3.The Superintendent of Police
Kanchipuram District
Kanchipuram

4.The Deputy Superintendent of Police
O/o.The Deputy Superintendent of Police
Mamallapuram
Kanchipuram District

5.The Inspector of Police
Kalpakkam Police Station
Kalpakkam
Kanchipuram District

6.The Public Prosecutor
High Court of Madras.

+1 cc to Mr.A.Venkatesan, Advocate, Sr.No. 30976

Cr1.O.P.No.6273 of 2018

GJ(CO)
CSL/07.05.2019

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