

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.08.2019

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE C.SARAVANAN

Writ Petition No. 16082 of 2019
and
W.M.P.Nos.15849 and 15851 of 2019

M. Veludevi ... Petitioner

Versus

1. The State Human Rights Commission
No.143, P.S. Kumarasamyraja Salai
Greenways Road, Chennai - 600 028

2. G. Durairaj ... Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari calling for the records on the file of the first respondent relating to the case No. 6243/18/C2 dated 11.12.2018 and quash the same.

For petitioner : Mr. T. Sai Krishnan

For respondents : Mr. S. Wilson for R1

Mr. K.D. Gubendra Gunabalan for R2

ORDER

(Order of the Court was made by R. Subbiah, J)

The petitioner has come forward with this writ petition seeking to quash the complaint filed by the second respondent in Case No. 6243/18/C2 filed on 11.12.2018 which is pending on the file of the first respondent.

2. The petitioner was working as Inspector of Police in Thiruvankadu Police Station. During the course of her employment, the second respondent has submitted a Petition in Case No. 6243/18/C2 before the first respondent/State Human Rights Commission alleging that the petitioner misused and abused her official powers and registered false cases against the son of the second respondent herein. As per the complaint given by the second respondent, her son Durai Gobi was employed

Dubai and during January 2018, the son of the Petitioner came to India and left India on 13.06.2018. While so, on 20.06.2018, the petitioner allegedly registered a false complaint as against the son of the second respondent and upon registration of the case, subjected the second respondent and his family members to harassment. That apart, the petitioner has also registered a case in Crime Nos. 42, 44 and 126 of 2018 as against the son of the petitioner and such cases registered by the petitioner are false and it amounts to abuse of power.

3. According to the petitioner she had only discharged her duties as Inspector of Police and registered cases on the basis of complaints received against the son of the petitioner and it cannot be construed as an abuse of power. It is in those circumstances, the petitioner has come forward with this writ petition seeking to quash the proceedings pending against her on the file of the first respondent/State Human Rights Commission.

4. The learned counsel for the petitioner would contend that on the basis of a complaint received from Mr. Ganesan, Sub-Inspector of Police complaining that the petitioner's son indulged in making scurrilous statement against the police force and thereby provoked the general public as against the police force, the case in Crime No. 42 of 2018 was filed for the offences punishable under Sections 504, 505 (1) (b), 506 (i) and 507 of IPC. Thereafter, on the basis of a complaint received from one Erama Natarajan on 14.03.2018, as against the son of the second respondent, the petitioner registered a case in Crime No. 44 of 2018 for the offences punishable under Section 294 (b), 504, 505 (1) (b), 506 (1) and 507 of IPC. As regards the case in Crime No. 126 of 2018 referred to by the petitioner, it was registered on the basis of the complaint given by one Rajalakshmi as against one Panjukumar and others in which neither the second respondent nor his son were cited as an accused. With reference to the case in Crime No. 127 of 2018, it was registered on 20.06.2018 at the behest of one Ramesh against Ramachandran and others including the son of the second respondent, for the offences punishable under Sections 341, 294 (b), 323 and 506 (ii) of IPC. The learned counsel for the petitioner proceeded to contend that aggrieved by the action initiated by the petitioner, lawfully, the son of the second respondent made derogatory publication in news papers and through social media. In this context, the petitioner has given a complaint against the son of the second respondent based on which a case in Crime No. 139 of 2018 was registered and investigation is being carried on by a different officer inasmuch as the petitioner herself is the complainant. That apart, the petitioner has also filed a suit in C.S. No. 147 of 2019 against the second respondent, his son and others claiming damages for the defamatory publications made against the

petitioner. The learned counsel for the petitioner also brought to the notice of this Court that the second respondent has filed Crl.OP No. 20852 of 2018 and Crl.OP No. 21151 of 2018 to quash the First Information Reports registered in Crime No. 127 and 139 of 2018 and both the Criminal Original Petitions were dismissed on 05.03.2019. While so, as a counter-blast, the second respondent has given the complaint to the first respondent as if the petitioner had misused and abused her powers. The first respondent also, on the basis of such frivolous complaint given by the second respondent had issued summons to the petitioner for her appearance on 05.02.2019 and the petitioner also appeared before the first respondent. According to the counsel for the petitioner, the complaint given by the second respondent and pending on the file of the first respondent is baseless, arbitrary and unreasonable. The complaint given by the second respondent before the first respondent do not make out a case for violation of human rights and therefore, he prayed for quashing the case filed by the second respondent in case No. 6243/18/C2 dated 11.12.2018 on the file of the first respondent and thereby allowing this writ petition.

5. On the above contention of the counsel for the petitioner, we have heard the learned counsel for the first respondent as well as the second respondent. We have also gone through the material records placed.

6. Admittedly, the complaint given by the second respondent in case No. 6243/18/C2 dated 11.12.2018 relates to the alleged abuse of power on the part of the petitioner in registering false and frivolous complaint against the son of the second respondent. The petitioner has also given a complaint against the son of the second respondent based on which a case in Crime No. 139 of 2018 was registered which is being investigated by a different officer. While so, whether the complaints have been registered by the petitioner against the son of the second respondent properly or the petitioner subjected the second respondent upon registering the complaints against the son of the second respondent have to be examined by the Commission/first respondent after the parties let in oral and documentary evidence. While so, we are of the view that the writ petition is pre-mature and it cannot be entertained. It is always open to the petitioner to file all the documentary evidence in support of her defence before the first respondent and it is for the first respondent to decide the complaint filed by the second respondent in accordance with law. In such view of the matter, we are not inclined to interfere with the proceedings initiated by the first respondent against the petitioner, on the basis of the complaint given by the second respondent.

7. In the result, the writ petition is dismissed as premature. No costs. Consequently, connected WMP Nos.15849 and 15851 of 2019 are closed.

Sd/-
Assistant Registrar(CJ Conf)

//True copy//

Sub Assistant Registrar

rsh

To

The Secretary
State Human Rights Commission
No.143, P.S. Kumarasamyraja Salai
Greenways Road, Chennai - 600 028

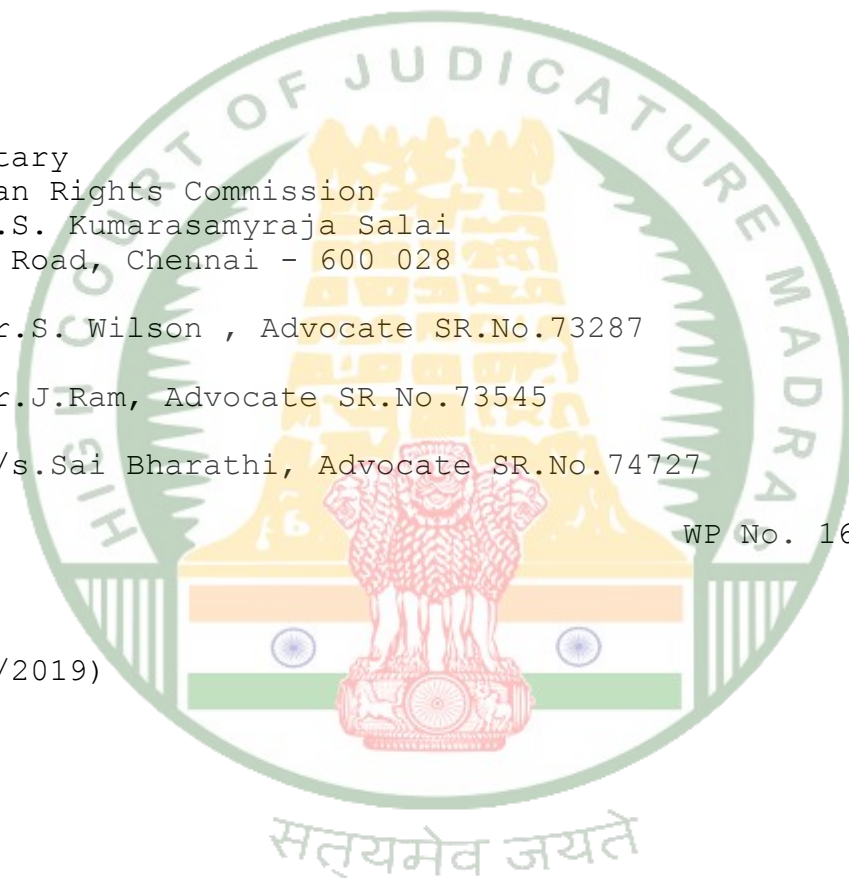
+1cc to Mr.S. Wilson , Advocate SR.No.73287

+1cc to Mr.J.Ram, Advocate SR.No.73545

+1cc to M/s.Sai Bharathi, Advocate SR.No.74727

WP No. 16082 of 2019

BR(CO)
GMY(16/10/2019)



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