

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.20561 of 2014

M.Mohanalaskhmi

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep.by the Secretary to Government,
Home Department,
Fort St.George, Chennai-9.
2. State Rep.by
The Inspector of Police,
All Women Police Station,
Gobichettipalayam,
Erode District.
3. The Sub Inspector of Police,
All Women Police Station,
Avinashi, Tirupur District.
4. SEED
Rep.by its Director,
Having Office at
1/849, Kasi Goundan Pudur,
Rakkiyapalayam (PO),
Mangalam Road,
Avinashi-641 654.

... Respondents

Prayer:

Writ petition filed under Article 226 of the Constitution of India for writ of Mandamus directing the respondents herein to pay a sum of Rs.10,00,000/- to the petitioner towards compensation for the damages caused to the petitioner.

For Petitioner	: Mr.E.D.Sethupathi
For Respondent	: Mr.R.S.Selvam
No.1	Government Advocate
For Respondent	: Mr.R.Krishnamurthy
No.2	
For Respondent	: Mr.P.S.Kothandaraman
No.3	

ORDER

This writ petition has been filed by the petitioner seeking compensation of Rs.10,00,000/- for the alleged defamation at the instance of the second respondent.

2.It is the case of the petitioner that she is the second wife of one Muthukumar. It is her case that the first wife had given a complaint before the Sub Inspector of Police, All Women Police Station, Avinashi, Tirupur District against the petitioner, her husband Muthukumar and her father-in-law. According to the petitioner, the second respondent sent the petitioner to the fourth respondent home and she was illegally confined there at the request of the second respondent. According to her, she was kept in custody of the fourth respondent for a period of one week without any formal prosecution. In such circumstances, the petitioner has sought for damages from the respondents for her illegal confinement.

3.Separate counter affidavits have been filed by the first, second, third and fourth respondents. Respondents 1 to 3 have denied that the petitioner was kept in illegal confinement. According to them, there is a matrimonial dispute between the petitioner's husband and his first wife. They have also specifically denied that they had, only at the instance of the second respondent, kept the petitioner in the custody of the fourth respondent. They categorically denied that the petitioner was in illegal confinement as alleged by her in her writ petition. According to the respondents 1 to 3, none of the police officials threatened the petitioner as alleged by her in her affidavit. They have also denied that the second respondent, during the course of enquiry, picked up the petitioner's Nokia 7210 mobile phone, GB memory card. They have also denied the allegation of the petitioner that they deleted her marriage photos, video clips of her marriage in her mobile phone. They have also categorically stated that they never threatened the petitioner to put her signature on blank papers nor abused her. According to them, they are not liable to pay any compensation.

4.The fourth respondent has also filed a counter stating that the petitioner was sent to the fourth respondent by the second respondent. According to them, the petitioner was in their custody for a week. According to them, they are not liable to pay any compensation.

5.The petitioner is claiming compensation for her alleged illegal confinement. Even according to the petitioner, she was kept in the custody of the fourth respondent on 18.09.2010. It is her case that she was under illegal confinement for a week.

However, the present writ petition has been filed only in the year 2014 i.e. on 05.06.2014. In the affidavit filed in support of the writ petition, no explanation has been given for the inordinate delay in filing the writ petition.

6. Further, even on merits, the petitioner has not established by way of any documentary evidence that she was under illegal confinement in the fourth respondent home at the instance of the second respondent. It is the categorical stand of the respondents that they never illegally confined the petitioner as alleged by her in the writ petition. Even in the counter affidavit filed by the fourth respondent, which is a Home for Women, they have not mentioned the date as to when the petitioner was handed over to them by the second respondent. When the respondent Nos.1 & 2 have categorically denied the illegal confinement of the petitioner, it is for the petitioner to establish by documentary evidence that she was illegally confined by the respondents 1 to 3. As seen from the records available before this Court, the petitioner has miserably failed to establish her case. Further, as stated above even on the ground of laches, the petitioners claim for compensation will have to be rejected.

For the forgoing reasons, this Court is of the considered view that there is no merit in the writ petition. Accordingly, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sms

To

1. The Secretary to Government,
State of Tamil Nadu,
Home Department,
Fort St.George, Chennai-9.

2. The Inspector of Police,
All Women Police Station,
Gobichettipalayam,
Erode District.

3. The Sub Inspector of Police,
All Women Police Station,
Avinashi, Tirupur District.

+1cc to Mr.E.D.Sethupathi, Advocate, S.R.No.103931
+1cc to the Government Pleader, S.R.No.104868

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PVS (CO)
CS/04/02/2020



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