

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.8521 of 2017

Greetal Nirmala

... Petitioner

Versus

1. The Secretary,
Home Department,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.
2. The Commissioner of Police,
Commissioner's Office,
Veppery,
Chennai - 600 007.
3. Mohanraj
The Inspector of Police,
P-3 Vyasarpadi Police Station,
Chennai.
4. N.Venkatesan ... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st and 2nd respondents to proceed against the 3rd respondent under Section 44 of the Tamil Nadu District Police Act as the 3rd respondent has violated Sections 565 and 566 of Police Standing Order. सत्यमेव जयते

For Petitioner : Mr.K.P.Chandrasekaran

For Respondents

For R1 & R2 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

For R3 & R4: No Appearance

O R D E R

This petition has been filed for direction directing the first and second respondents to take appropriate action as against the third respondent under Section 44 of Tamil Nadu District Police Act.

2. The learned counsel appearing for the petitioner submitted that the petitioner lodged a complaint before the third respondent and the same was registered in Crime No.2298 of 2014. Thereafter, the petitioner filed a direction petition in Crl.O.P.No.17845 of 2015 in which, this Court by an order dated 17.08.2015, directed the third respondent to complete the investigation and file the final report as expeditiously as possible. Even then, the third respondent did not take any steps in the above said case. Therefore, the petitioner lodged a complaint before the respondents 1 & 2 to take appropriate action as against the third respondent under the Police Act. Since the same was not considered, the petitioner approached this Court with the above said prayer.

3. The learned Additional Public Prosecutor appearing for the respondents submitted that if the direction issued by this Court was not complied by the third respondent, the petitioner can approach this Court by way of contempt petition. But the petitioner did not take any action on the direction issued by this Court. He further submitted that in the mean while, as against the petitioner a case has been registered in Crime No.451 of 2017, for the offences punishable under Sections 294 (b), 323 and 506(i) of IPC, on the complaint given by one Selvi. Therefore, the prayer sought for in this petition cannot be maintainable and it is liable to be dismissed.

4. Heard Mr.K.P.Chandrasekaran, learned counsel appearing for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing for the respondents 1 & 2.

5. It is seen that the petitioner filed a direction petition before this Court in Crl.O.P.No.17845 of 2015 and this Court by an order dated 17.08.2015 directed the third respondent to complete the investigation in Crime No.2298 of 2014 and file the final report as expeditiously as possible. If the said direction was not complied by the third respondent, the petitioner can very well approach this Court by way of contempt petition. But the petitioner has filed this petition seeking direction to the respondents 1 & 2 to take action against the third respondent. Therefore, the prayer sought for in this petition cannot be considered by this Court. It is also seen that the petitioner is involved in Crime No.451 of 2017, registered for the offences punishable under Sections 294(b), 323 and 506(i) of IPC on the file of the very same third respondent. Therefore, this petition is devoid of merits and liable to be dismissed.

6. Accordingly, this Writ Petition stands dismissed. No costs.

Sd/-
Assistant Registrar(J)

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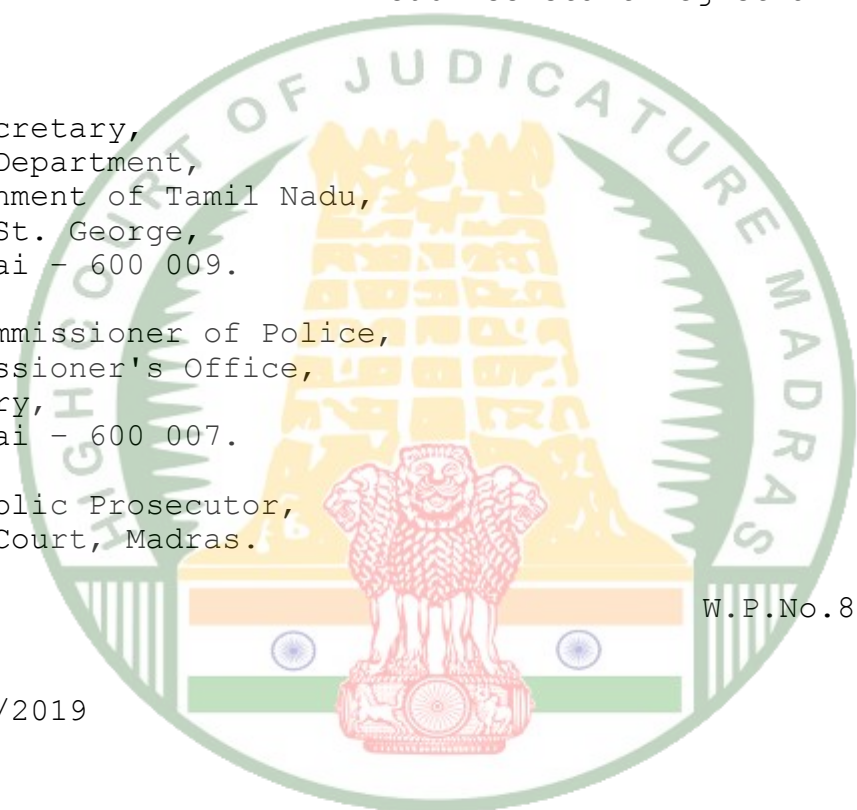
Sub Assistant Registrar

To

1. The Secretary,
Home Department,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.
2. The Commissioner of Police,
Commissioner's Office,
Veppery,
Chennai - 600 007.
3. The Public Prosecutor,
High Court, Madras.

W.P.No.8521 of 2017

srg 12/06/2019

The seal of the High Court of Judicature Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital in front of it. The lion capital is set against a background of the Indian national flag's saffron, white, and green horizontal stripes. The words "HIGH COURT OF JUDICATURE MADRAS" are inscribed in a green border around the central image. Below the seal, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

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