

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 24.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE **V.BHARATHIDASAN****W.P. (MD) No.1115 of 2017**

Leela

... Petitioner

Vs.

1. The Director General of Police,
Office of the Director General of Police,
Dr.Rathakrishnan Road, Chennai.
2. The Deputy Inspector General of Police,
Office of the Deputy Inspector General of Police,
Tirunelveli Range, Palayamkottai,
Tirunelveli District.
3. The Superintendent of Police,
Office of the Superintendent of Police,
Kanniyakumari District, Nagercoil.
4. Thiru.Muthuraja,
The Inspector of Police,
Marthandam Police Station, Marthandam,
Kanniyakumari District.
5. Thirumathi Seeja Rani,
The Sub Inspector of Police,
Marthandam Police Station,
Marthandam, Kanniyakumari District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent Nos.1 to 3 to accord sanction for the prosecution under Section 217 of the Indian Penal Code against respondent Nos.4 and 5 and initiate disciplinary proceeding as per G.O.C.No.1909 / 2157/ AP-/(3)/92 on the basis of petition submitted by petitioner dated 31.12.2016 in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.K.K.Ramakrishnan

Additional Public Prosecutor

**O R D E R**

This Writ Petition has been filed seeking for a direction to the respondent Nos.1 to 3 to accord sanction for the prosecution under Section 217 I.P.C. against respondent Nos.4 and 5 and initiate disciplinary proceedings as per G.O.C.No.1909 / 2157 / AP-/(3)/92, on the basis of petition submitted by the petitioner dated 31.12.2016, in accordance with law, within the time stipulated by this Court.

2. Heard both sides.

3.The grievance of the petitioner is that the petitioner has given a complaint against his neighbours alleging that they have trespassed into her house, and attacked her. In this regard, she gave a complaint to the fourth respondent Police. Since no action has been taken by the concerned respondent Police, the petitioner made a request to the Superintendent of Police / third respondent herein. The third respondent herein forwarded the petitioner's representation to the fourth respondent herein. Even thereafter, no action was initiated by the fourth respondent, hence the petitioner has filed this present Writ Petition to direct the respondents 1 to 3 to take disciplinary action against the respondents 4 and 5.

4.The fourth respondent herein has filed a counter affidavit stating that based on the complaint given by the petitioner, a crime has been registered by the fifth respondent in Crime No.73 of 2017, for the offences punishable under Sections 452, 427, 294 (b), 506 (ii) of the Indian Penal Code and Section 4 of Tamil Nadu Prohibition of Women Harassment Act against the accused and the matter is now under investigation.

5.Since the respondent Police has registered the complaint against the accused and the matter is now under investigation, at this stage, the prayer sought for by the petitioner cannot be granted.

6.The Writ Petition stands dismissed accordingly. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)



To

1. The Director General of Police,
Office of the Director General of Police,
Dr.Rathakrishnan Road, Chennai.
2. The Deputy Inspector General of Police,
Office of the Deputy Inspector General of Police,
Tirunelveli Range, Palayamkottai,
Tirunelveli District.
3. The Superintendent of Police,
Office of the Superintendent of Police,
Kanniyakumari District, Nagercoil.
4. Muthuraja,
The Inspector of Police,
Marthandam Police Station, Marthandam,
Kanniyakumari District.
5. Thirumathi.Seeja Rani,
The Sub Inspector of Police,
Marthandam Police Station,
Marthandam, Kanniyakumari District.

Order made in
W.P. (MD) No.1115 of 2017

Dated: **24.06.2019**

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