



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.09.2019**

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P(MD) .No.11737 of 2018

Uma Mageswari

... Petitioner

Vs.

1.The Superintendent of Police,
Thoothukudi District,
Thoothukudi.

2.The Deputy Superintendent of Police,
Srivaikundam Division,
Thoothukudi District.

3.Gnanaprakasi

4.Amalorpavom

5.D.Selvakumar

.. Respondents

Prayer : This petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus directing the respondents 1 and 2 to take appropriate action as against the respondents 3 and 4 in the act of misusing the official capacity by considering the petitioner's representation dated 03.04.2018.

For Petitioner : Mr.J.Ashok

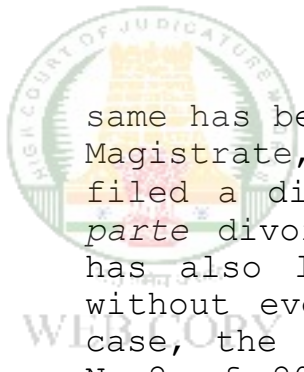
For R1 & R2 : Mr.K.Suyambulinga Bharathi

Government Advocate (Crl.side)

O R D E R

This petition has been filed seeking a direction to the respondents 1 and 2 to take appropriate action as against respondents 3 and 4 in the act of misusing the official capacity by considering the petitioner's representation dated 03.04.2018.

2. The learned counsel for the petitioner submitted that she got married to the 5th respondent on 09.07.2014. Due to demand of dowry and torture made by the 5th respondent and his family members, she lodged a complaint before the third respondent and the same has been registered in Crime No.3 of 2015 for the offence under Sections 294(b), 498(A), 406, 506(ii) of IPC., and Section 4 of Dowry Prohibition Act as against the 5th respondent and his relatives. The third respondent conducted enquiry and filed a final report and the



same has been taken cognizance in C.C.No.116 of 2017 by the Judicial Magistrate, Srivaikundam. In the meanwhile, the 5th respondent also filed a divorce petition in H.M.O.P.No.132 of 2017 and he got ex parte divorce decree by order dated 02.01.2018. The 5th respondent has also lodged a false complaint as against the petitioner and without even considering the above facts and circumstances of the case, the third respondent mechanically registered a case in Crime No.2 of 2018 as against the petitioner and three others for the offences under Sections 294 (b), 494, 506(ii) of IPC. Thereby, so many complaints were lodged as against the 5th respondent for which, the 3rd and 4th respondents did not take any action on the complaints lodged by the complainant. Therefore, the petitioner seeks direction to take appropriate action as against the 3rd and 4th respondent.

3. The learned Government Advocate (Crl.side) appearing for the respondents 1 and 2 filed a counter that on the complaint lodged by the petitioner as well as the 5th respondent, the third respondent registered a case in Crime No.3 of 2015 and Crime No.2 of 2018 respectively. Both crimes were registered in respect of their family dispute. Subsequently, they settled their issues amicably and both cases have been quashed by this Court in Crl.O.P(MD)No.22128 and 1908 of 2018, dated 14.12.2018. Now the petitioner come forward with this petition without any merits.

4. The learned counsel for the 5th respondent submitted that a false complaint was lodged as against the 5th respondent by the petitioner and the same has been registered in Crime No.3 of 2015. On the complaint lodged by the 5th respondent, a case was registered in Crime No.2 of 2018 as against the petitioner and three others. Now both have amicably settled the matter and both cases were quashed by this Court.

5. Heard the learned Counsel for the petitioner and learned Government Advocate (Crl.Side) appearing for the respondents 1 and 2.

6. Admittedly, there was a family dispute between the petitioner and the 5th respondent herein. On their complaints, the third respondent registered the case in Crime No.3 of 2015 and Crime No.2 of 2018. Thereafter, they also got divorce and amicably settled their issues. Both of them filed quash petition before this Court in Crl.O.P(MD)Nos.22128 and 1908 of 2018 in respect of both cases and both were quashed by this Court by order dated 14.12.2018. Therefore, the prayer sought for in this Writ Petition cannot be granted as there is absolutely no *prima facie* material to make out any allegation as against 3rd and 4th respondents herein.



7. In the result, this Writ Petition is dismissed as devoid of merits. No costs.

WEB COPY

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar(CS)

vsd

To

- 1.The Superintendent of Police,
Thoothukudi District,
Thoothukudi.
- 2.The Deputy Superintendent of Police,
Srivaikundam Division,
Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC TO MR.J.ASHOK, Advocate Sr. No.86726

+1CC TO MR.S.MANDHIRALINGESWARAN, Advocate Sr. No. 86442

W.P (MD) .No.11737 of 2018

12.09.2019

CS (CO)

TR(23.10.2019) 3P 6C