



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.02.2019

CORAM

THE HONOURABLE MR. JUSTICE B. PUGALENDHI

**W.P. (MD) No. 17622 of 2013
and M.P. (MD) Nos. 1 & 2 of 2013
and W.M.P (MD) No. 10236 of 2016**

S. Deva Priya

... Petitioner

Vs.

1. The Tamil Nadu State represented through,
its Secretary to Government,
Home Department, Secretariat,
Chennai - 600 009.

2. The Director General of Police,
DGP Office, Rajaji Salai,
Mylapore, Chennai - 600 004.

3. The Superintendent of Police,
Collector Campus, Cantonment,
Trichy - 625 001.

4. The Commissioner of Police,
Commercial Tax Building,
Race Course Road,
Kajamalai, Trichy - 620 001.

5. The Deputy Superintendent of Police,
Thiruvarumbur Sub-Division Limit,
Trichy.

6. Palanisamy,
Deputy Superintendent of Police,
Thiruvarumbur Sub-Division, Trichy.

... Respondents

PRAYER : Petitions filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records in pursuant to the impugned notice issued by the 5th respondent, under Section 161 of the Criminal Procedure Code, Nil-dated and quash the same and consequently, direct the respondents-1 to 4, to take appropriate action against the 5th respondent, based on



the petitioner representation, dated 30.08.2013 and consequently, direct the respondents to award appropriate compensation to the petitioner, within the time fixed by this Court.

WEB COPY

For Petitioner : Mr. K. Periyakaruppanan
for Mr.M. Saravanakumar

For Respondents : Mr.A. Robinson,
Government Pleader (Criminal Side)

ORDER

This Writ Petition has filed by the petitioner, to quash the summons issued by the fifth respondent, under Section 161 of the Criminal Procedure Code, dated -Nil- in and by which, the fifth respondent/the Deputy Superintendent of Police, Thiruvarambur Sub-Division Limit, Trichy, summoned the petitioner for enquiry, on 20.10.2013 to his Camp Office.

2. The petitioner is an Associate Professor, and she has lodged a complaint, as against the fifth respondent/Deputy Superintendent of Police and other Police officers before the Director General of Police and State Human Rights Commission, that on 24.08.2013 at about 04.30 p.m., a team of Police consisting of 3-Women and 2-Men have forcibly broken the door and entered into their house, dragged out the petitioner when she was sleeping and also her children who were in school uniform and beaten her son forcibly, took her mobile phone, went inside her house searched the places and took her lap-top and also took her to Thiruvarambur Police Station which is approximately 12 kms., away from her house.

3. According to the petitioner, her husband was in illegal relationship with one Shyamala and at the instance of the said Shymala, the police officials have acted in high handed manner and detained her in illegal custody with her minor son in school uniform upto 08.30 p.m., on 24.08.2013.

4. The complaint dated 03.09.2013 of the petitioner is pending enquiry, before the Human Rights Commission in SHRC No.6736 of 2013. In the meanwhile, the petitioner was summoned by the fifth respondent, under Section 161 of the Cr.P.C., for enquiry, with regard to her complaint before the State Human Rights Commission. The fifth respondent/Deputy Superintendent of Police, against whom the petitioner has lodged the complaint before the State Human Rights Commission, has summoned the petitioner for questioning as ~~respondent~~ ~~complainant~~ ~~complaint~~. It is a basic principle that no man shall be a Judge for his own cause and therefore, the impugned summons is bad in law.



5. In such view of the matter, the impugned notice issued by the 5th respondent under Section 161 of the Civil Procedure Code., Nil-dated, is hereby quashed and this Writ Petition is accordingly allowed. No Costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Tamil Nadu State represented through,
its Secretary to Government,
Home Department, Secretariat,
Chennai - 600 009.
2. The Director General of Police,
DGP Office, Rajaji Salai,
Mylapore, Chennai - 600 004.
3. The Superintendent of Police,
Collector Campus, Cantonment,
Trichy - 625 001.
4. The Commissioner of Police,
Commercial Tax Building,
Race Course Road,
Kajamalai, Trichy - 620 001.
5. The Deputy Superintendent of Police,
Thiruvarumbur Sub-Division Limit,
Trichy.
6. Palanisamy,
Deputy Superintendent of Police,
Thiruvarumbur Sub-Division, Trichy
7. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M.SARAVANA KUMAR, Advocate in SR-50009

W.P. (MD) No.17622 of 2013
26.02.2019