



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 02.07.2020

CORAM:

THE HONOURABLE MR. JUSTICE **B. PUGALENDHI**

W.P (MD) No. 7248 of 2020

and

W.M.P (MD) No. 6683 of 2020

P.Mani : Petitioner
Vs.

1.The Director General of Police,
No.1, Radhakrishnan Salai, Mylapore, Chennai.

2.The Superintendent of Police,
Thanjavoor, Thanjavoor District.

3.The Superintendent of Prison,
Thanjavoor Sub Jail, Thanjavoor District.

4.The Deputy Superintendent of Police,
Vallam, Thanjavoor District.

5.The Inspector of Police,
Vallam Police Station, Vallam, Thanjavoor District.

6.The Inspector of Police,
All Women Police Station,
Vallam, Thanjavoor District.

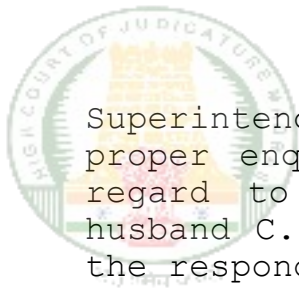
: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus, directing the respondent Nos.1 and 2 to conduct a fair and proper enquiry based on the petitioner's representation dated 16.06.2020 with regard to the illegal custody and torture of the petitioner's husband C.Prabhakaran and initiate appropriate action against the respondent Nos.4 to 6.

For Petitioner : M/s. A.Jayaramachandran
For Respondents : Mr.K.K.Ramakrishnan,
Additional Public Prosecutor

ORDER

The petitioner, wife of an accused in Crime No.5 of 2020 on the file of the All Women Police Station, Vallam, Thanjavur District filed this petition for a writ of mandamus, directing the respondents 1 and 2 namely the Director General of Police, and the



Superintendent of Police, Thanjavur District to conduct a fair and proper enquiry based on her representation dated 16.06.2020, with regard to the illegal custody and torture of the petitioner's husband C.Prabhakaran and for initiating appropriate action against the respondents 4 to 6.

2.The petitioner in her representation dated 16.06.2020, made averment that her husband C.Prabhakaran served in the Tamil Nadu Uniformed Service as Sub Inspector of Police till 2015. They are leading a decent life in the locality. While so, on 04.06.2020 at about 10.00 am, respondents 4 to 6 claiming to be a Special Team, took her husband. But, he did not return. Despite her best efforts, she could not find her husband in any Police Station. While so, on 05.06.2020, through a News paper, she came to know that her husband has been arrested along with four others in connection with a criminal case for the offence under the Immoral Traffic [Prevention] Act. On 06.06.2020 at about 3.00 pm, respondents 4 to 6 along with other Police personnel brought her husband and directed her to hand over a sum of Rs.85,000/-, which she obtained by mortgaging the jewels for her surgery.

3.It is further stated that she was abused by the fifth respondent in unparliamentary words. They forcibly opened the almirah and taken away sum of Rs.85,000/-. Only in order to protect respondents 4 to 6, the petitioner's husband has been falsely roped in this case and only an enquiry by the higher officials in the Department would bring the truth to light that her husband has been falsely implicated in this case. She also sought for a direction to the Superintendent of Prison, Thanjavur Sub Jail, to provide adequate medical treatment for the injuries sustained by her husband, pending this petition.

4.In response to this petition, the learned Additional Public Prosecutor produced the written instructions along with copy of the First Information Report in Crime No.5 of 2020 on the file of the All Women Police Station, Vallam, the recovery mahazar dated 06.06.2020, the confession statement of the petitioner's husband Prabhakaran and the statement of the victim recorded under Section 164(5) CrPC by the learned Judicial Magistrate No.II, Thanjavur.

5.Heard Mr.A.Jayaramachanran, learned Counsel for the petitioner and Mr.K.K.Ramakrishnan, learned Additional Public Prosecutor appearing for the State and perused the materials placed on record.

6.A perusal of the records would show that the petitioner's husband a suspended Police Officer along with four others has sexually and brutally exploited the victim. The statement recorded under Section 164(5) CrPC from victim Antora would reveal the specific role played by the petitioner's husband in commission of the offence. The victim girl from Bangalore offered with a job as a Housemaid, was subjected to immoral traffic under threat and coercion. The petitioner's husband played a major role in the said



commission of offence. The vehicle bearing registration No.TN 49 B2 0006 XUV 500 and a diary of another accused has also been recovered from one accused Kalaivani. It is in fact, pursuant to the confession statement of the petitioner's husband, certain material objects were recovered in this case.

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7. Admittedly, the petitioner's husband Prabhakaran, a suspended Police Officer indulged in serious offence under the Immoral Traffic [Prevention] Act, 1956, wherein the victim girl Antora has been brutally and sexually exploited by the accused by promising to engage her as a Housemaid. The victim girl was recovered with severe injuries. During the investigation, this petitioner's husband has also been arrested. The material objects in this case like car used for the commission of offence and motorcycle were recovered pursuant to the confession statement and only on that information, the other accused have been arrested in this case.

8. Considering the seriousness of the offence in this case, the petitioner's husband has also been detained as an Immoral Traffic Offender, vide order dated P.D.No.17 of 2020 dated 13.06.2020, by the District Collector and District Magistrate, Thanjavur.

9. The petitioner without even enclosing the first information report in Crime No.5 of 2020 and without even verifying the materials such as confession statement and the 164(5) statement of the victim, filed this writ petition to create a defence for the arrest of her husband. The petitioner has not even mentioned about the aforesaid detention order. It appears that this petition has been filed with sole intention to intimidate the investigating officer in Crime No.5 of 2020, wherein a minor girl has been subjected to sexual exploitation.

10. Under such circumstances, this Court is not inclined to entertain this type vexatious writ petition. Accordingly, this writ petition is dismissed with a cost of Rs.10,000/-, to the petitioner, and the cost shall be paid towards the Hon'ble Chief Minister's Public Relief Fund within a period six weeks from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

11. Post this matter on 17.08.2020 for reporting compliance.

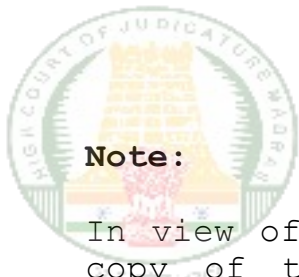
Sd/-

Assistant Registrar (CS-II)

// True Copy //

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Sub Assistant Registrar (CS)



Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Director General of Police,
No.1, Radhakrishnan Salai, Mylapore, Chennai.
2. The Superintendent of Police,
Thanjavoor, Thanjavoor District.
3. The Superintendent of Prison,
Thanjavoor Sub Jail, Thanjavoor District.
4. The Deputy Superintendent of Police,
Vallam, Thanjavoor District.
5. The Inspector of Police,
Vallam Police Station,
Vallam, Thanjavoor District.
6. The Inspector of Police,
All Women Police Station, Vallam, Thanjavoor District.
7. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:

The Section Officer,
Writ Posting,
Madurai Bench of Madras High Court, Madurai.
(for listing the case on 17.08.2020 for reporting compliance)

W.P (MD) No. 7248 of 2020
02.07.2020

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