



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

W.P.[MD]No.8103 of 2020

Majifa Banu

... Petitioner

Vs.

The District Collector cum Chairperson,
The District Level Police Complaints Authority,
District Collectorate,
Madurai.

... Respondent

PRAYER : This Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the respondent to pass orders on the petitioner's statutory application under Section 15 of the Tamil Nadu Police (Reforms) Act, 2013 dated 30.05.2020 within the time that may be stipulated by this Court.

For Petitioner : Mr.M.Mahaboob Athiff for
M/s.Ajmal Associates

For Respondent : Mr.Ayiram K Selvakumar
Additional Government Pleader

O R D E R

The writ petition has been filed praying for issuance of a writ of mandamus directing the respondent to pass orders on the petitioner's statutory application under Section 15 of the Tamil Nadu Police (Reforms) Act, 2013, dated 30.05.2020, within the time that may be stipulated by this Court.

2.The learned counsel appearing for the petitioner would submit that the petitioner is the homemaker and a resident of Lake Area, Madurai. On 01.05.2020, certain policemen misbehaved with the petitioner by orally abusing her and two other women members of her family with vulgar language at Mattuthavani Bus Stand and one of the policemen had also recorded a video of the petitioner in his mobile phone without getting consent from her and despite her objection. The said conduct of the police personnel discloses cognizable offence and therefore, the petitioner visited the Anna Nagar police station to lodge a complaint, wherein the police refused to take the complaint on file as it is against the police. Hence, the petitioner preferred a complaint to the Online Portal under Ref. No.RAB20043928. The said complaint had also been closed without any investigation or registration of an FIR, though the complaint discloses the cognizable offence and is required to be registered as per the dictum of the Hon'ble Supreme Court in **Lalita Kumari Vs. State of Uttar Pradesh** reported in (2014) 2 SCC

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3.The learned counsel appearing for the petitioner would further submit that the conduct of the police officials as detailed by the petitioner also amounts to misconduct, warranting disciplinary action. In this regard, the Hon'ble Supreme Court of India issued a series of guidelines for police reform by its judgment in ***Prakash Singh Vs. Union of India*** reported in **(2006) 8 SCC 1**, in which, one of the directives issued by the Hon'ble Supreme Court is that an authority is to be constituted in every district (called the Police Complaints Authority) to look into the complaints against the police officers upto the rank of Deputy Superintendent of Police headed by the retired District Judge. After about 7 years, the Tamil Nadu State legislature enacted the Tamil Nadu Police (Reforms) Act, 2013, which came into effect on 11.09.2013. As per the said Act, a state level Police Complaints Authority is to be constituted under Section 12 of the Act and a District Level Police Complaints Authority is to be constituted under Section 14 of the Act. The Committee has also empowered to recommend disciplinary action and criminal prosecution in appropriate cases. The petitioner preferred a complaint to the first respondent/Chairman of District Level Police Complaints Authority with a sworn affidavit. The said statutory application under Section 15 of the Act of 2013 has been preferred by the petitioner on 30.05.2020. Till date, no effective steps have been taken and no efficacious alternative remedy is available to the petitioner. Therefore, allowing the writ petition is necessary.

4.The learned Additional Public Prosecutor appearing for the respondent, on instructions, made an undertaking to dispose the grievance redressed by the petitioner, within a period of one month.

5.In view of the above, this Court directs the respondent to pass order on the petitioner's statutory application under Section 15 of the Tamil Nadu Police (Reforms) Act, 2013, dated 30.05.2020, within a period of one month from the date of receipt of a copy of this order.

6.With the above direction, this Writ Petition is disposed of. No costs.

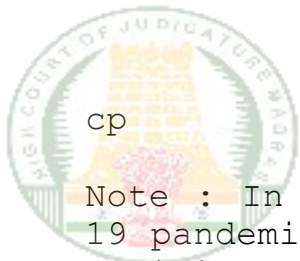
Sd/-

Assistant Registrar ()

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/ /2020

Sub Assistant Registrar(CS)



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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:

The District Collector cum Chairperson,
The District Level Police Complaints Authority,
District Collectorate,
Madurai.

W.P. [MD]No.8103 of 2020
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