



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.S. SUNDAR

W.P. (MD).No.19405 of 2015
and M.P. (MD).No.1 of 2015

Gomathi

.. Petitioner

Vs.

- 1.The Home Secretary,
Government of Tamilnadu,
Secretariat,
Fort. St. George,
Chennai - 600 009.
- 2.The Director of General of Police,
Santhome High Road,
Mylapore,
Chennai - 600 004.
- 3.The District Collector,
Tirunelveli District, Tirunelveli.
- 4.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.
- 5.The District Welfare Officer,
Department of Schedule Castes/Tribes
Welfare Department,
Tirunelveli.
- 6.The Deputy Superintendent of Police,
Puliyangudi, Tirunelveli District.
- 7.The Inspector of Police,
Sernathamaram Police Station,
Tirunelveli District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the respondents 1, 2 and 4 herein to appoint an Investigating officer to investigate the case in Crime No.145/2014 on the file of the



Inspector of Police, Seranthamaram Police Station, as per the provisions of Rule 7 of Schedule Castes and Schedule Tribes (Prevention of Atrocities) Rules 1995 and file a report before the concerned Court.

For Petitioner : Mr.S.M.Lingeswaran

For Respondents : Mr.A.Muthukaruppan for R1 to R7
Additional Government Pleader

ORDER

This writ petition has been filed for issuing a Writ of Mandamus, directing the respondents 1, 2 and 4 herein to appoint an Investigating officer to investigate the case in Crime No.145/2014 on the file of the Inspector of Police, Seranthamaram Police Station, as per the provisions of Rule 7 of Schedule Castes and Schedule Tribes (Prevention of Atrocities) Rules 1995 and file a report before the concerned Court.

2.The petitioner's case is that her son was brutally attacked and a case was registered under Crime No.145 of 2014 for offences under Sections 294(b), 323, 506 (I) of IPC and Section 3 (i) (vi) (s) and 3(2) (va) of Prevention of SC/ST (Prevention of Atrocities) Act. Despite registration of the First Information Report, it is contended by the petitioner that no further investigation was done. Hence, the petitioner approached this Court with this prayer.

3.The petitioner has not stated any reason as to why her son did not file any writ petition. The respondents filed a counter affidavit in the following lines.

"9.I submit that the allegations contained in para 9 are not true. The then Deputy Superintendent of Police after examining all the necessary witnesses and after collecting all the documents necessary for this case completed the investigation on 31.03.2015 and filed final report. Concerned Special PP also gave Draft charge sheet in this case on 30.03.2015. The final report in the above case was filed and deleting section 323 of the IPC in the final report. The petitioner herein received the Notice sent by the learned Judicial Magistrate, Tenkasi on 21.10.2015. The then Deputy Superintendent of Police, Puliyangudi also intimated the deletion of Section 323 of IPC in the final report to the petitioner herein. The then Deputy Superintendent of Police filed counter in the above petition. After hearing both the parties and after perusal of records dismissed the protest petition filed by the petitioner herein and accepted the final report



filed by the police. Now the case is committed to the Court of Sessions and assigned PRC No. in PRC 21/2016 and it was posted to 16.02.2016. Since the investigation is completed in the above case and final report was also filed and accepted by the competent court, there is no necessity to appoint any new Deputy Superintendent of Police to investigate the above case.

Further the then Deputy Superintendent of Police was appointed by a special order by a competent authority in compliance with the Rule 7 of the SC/ST (Prevention of Atrocity) Rules."

4. Be that as it may, the respondent in their counter affidavit has stated in the counter affidavit that the complaint registered in Crime No.145/2014 was investigated by a competent officer and that a final report is also filed. Though the petitioner filed a protest petition, the protest petition was dismissed and the case is now committed to the Court of Sessions in P.R.C.No.21 of 2016. Since the investigation is completed and the final report was also filed, this Court is of the view that no further adjudication is required.

5. Hence, this writ petition is closed as infructuous. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

TM
To

1. The Home Secretary,
Government of Tamilnadu,
Secretariat,
Fort. St. George,
Chennai - 600 009.

2. The Director of General of Police,
Santhome High Road,
Mylapore,

<https://hcservices.hcscourts.gov.in/hcservices>
Chennai - 600 004.



3.The District Collector,
Tirunelveli District, Tirunelveli.

4.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.

5.The District Welfare Officer,
Department of Schedule Castes/Tribes
Welfare Department,
Tirunelveli.

6.The Deputy Superintendent of Police,
Puliyangudi, Tirunelveli District.

7.The Inspector of Police,
Sernathamaram Police Station,
Tirunelveli District.

+1 CC to SPL GP (SR-5115[F] dated 06/02/2020)

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