

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2021

Coram

The Hon'ble Mr. Justice P.N.PRAKASH
and

The Hon'ble Mr. Justice V.SIVAGNANAM

W.P.No. 3329 of 2021

Muruganandavalli

.. Petitioner

Vs

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai - 9.
2. The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 4.
3. The District Collector,
Coimbatore, Coimbatore District.
4. The Superintendent of Police,
State Bank Road, Coimbatore,
Coimbatore District.
5. The Deputy Superintendent of Police,
CBCID South Zone, Coimbatore,
No.800, Avinashi Road, Uppilipalayam,
Rural Police Quarters,
Coimbatore - 641 018
Coimbatore District.
6. The Deputy Superintendent of Police,
Valparai Office at Kottur,
Pollachi Taluk, Coimbatore District.
7. The Inspector of Police,
Valparai Police Station,
Valparai, Coimbatore District.
8. The Sub Inspector of Police,
Mudis Police Station,
Valparai, Coimbatore District.
9. The Special Sub Inspector of Police,
Mudis Police Station, Valparai,
Coimbatore District.

10. Jayasudha,
formerly the Inspector of Police,
All Women Police Station,
Pollachi, Coimbatore District.

11. P.Sampath Kumar,
The Sub Inspector of Police,
Mudis Police Station, Valparai,
Coimbatore District.

12.Mookan

13.Susila

14.Sasikala

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus (i) to call for the records of the impugned judgment in STC No.130 of 2018 dated 26.02.2018 on the file of the District Munsif cum Judicial Magistrate, Valparai and to set aside the same by convicting the respondents 12 to 14 as illegal, (ii)to direct the respondents to entrust the investigation to an independent agency viz., the CBCID for the purpose of fair, proper and unbiased investigation on the complaint of the petitioner in Crime No.28 of 2017 on the file of the 8th respondent to conduct the fresh investigation and to file the final report before the appropriate Court within a reasonable time as prescribed by this Court, (iii)to include the necessary provisions in the FIR and to enforce all the relevant provisions of the Protection of Children from Sexual Offences Act, 2012 and the rules in this case, (iv)to give adequate protection to the petitioner's family in all possible manner from being excommunication and life threatening, (v)to provide adequate compensation and the rehabilitative assistance to the victims both the mother and daughter and to the family and (vi)to direct the 5th respondent to register a case against the police officials for their violation of law in dealing with the complaint of the petitioner in Crime No.28 of 2017 and also for harassing the victim and the petitioner and being insensitive in such crimes.

For Petitioner : Mr.P.S.Kothandaraman
For Respondents : Mr.R.Prathap Kumar,
Addl.Public Prosecutor
for R1 to R9

ORDER

[Order of the Court was made by P.N.PRAKASH, J.]

The petitioner lodged a complaint to the learned District Munsif cum Judicial Magistrate, Valparai on 25.10.2017, alleging that one Sasikala, Susila and Mookan had harassed her

and abused her in public. This petition was sent to the police for investigation and accordingly, the police registered a case in Crime No.28 of 2017 on 25.10.2017 for the offence under Sections 294(b), 506(i) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act. After completing the investigation, the police filed a final report against the said accused for the offence under Section 294 (b) IPC in S.T.C. No.130 of 2018 in the said case. They pleaded guilty and paid fine.

2.It is the grievance of the petitioner that the police had not properly investigated the case in Crime No.28 of 2017 and had filed a charge sheet for the offence under Section 294(b) IPC and not for the offence under Section 506(i) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act. Therefore, the petitioner has filed the present writ petition for quashing the final order passed by the District Munsif cum Judicial Magistrate, Valparai in S.T.C. No.130 of 2018 convicting the accused therein for the offence under Section 294 (b) IPC.

3.In the opinion of this Court, a writ of certiorarified mandamus cannot be issued for quashing the criminal Court order since the Code of Criminal Procedure provides sufficient avenues for ventilating such grievance. That apart, the complaint dated 25.10.2017 given by the petitioner to the District Munsif cum Judicial Magistrate, Valparai is very vague. It merely makes wild allegations that Mookan abused her daughter. On such vague complaint, the police cannot register an FIR under POCSO Act as submitted by the petitioner. In such view of the matter, this writ petition is dismissed as devoid of merits. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Additional Chief Secretary to Government,
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2. The Director General of Police,
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9. The Special Sub Inspector of Police,
Mudis Police Station, Valparai,
Coimbatore District.
10. The District Munsif cum
Judicial Magistrate, Valparai.
11. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.P.S.Kodhandaraman, Advocate, S.R.No.14100.

PL(CO)
CSR 25.03.2021

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