

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. 3343 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 Anaimalai,
Anaimalai Taluk, Coimbatore District.
7. The Inspector of Police,
Valparai Police Station,
Valparai, Coimbatore District.
8. The Inspector of Police,
All Women Police Station,
Pollachi, Coimbatore District.
9. The Sub Inspector of Police,
Mudis Police Station,
Valparai, Coimbatore District.

10. The Special Sub Inspector of Police,
Mudis Police Station, Valparai,
Coimbatore District.

11. Thirumayni,
formerly the Inspector of Police,
Valparai Police Station, Valparai,
Coimbatore District.

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

13. Nirmala Devi,
The Inspector of Police,
All Women Police Station,
Pollachi, Coimbatore District.

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

15. Ashok Kumar,
formerly the Special Sub Inspector of Police,
Mudis Police Station,
Valparai, Coimbatore District.

16. Mookan

17. Susila

18. Sivagami

... 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 final report in FR No.23 of 2018 dated 30.03.2018 in Cr.No.13/2018 on the file of the 9th respondent pending before the District Munsif cum Judicial Magistrate, Valparai and to set aside the same as illegal, (ii) to direct the respondents to entrust the investigation to an independent agency viz., the CBCID the 5th respondent herein for the purpose of fair, proper and unbiased investigation on the complaint of the petitioner in Crime No.13 of 2018 on the file of the 9th 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 provide adequate compensation and the rehabilitative assistance to the victims both the mother and daughter and to the family and (iv) to direct the 5th respondent to register a case against the respondents 11 to 15/police officials for their violation of law

in dealing with the complaint of the petitioner in Crime No.13 of 2018 on the file of the 9th respondent 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 R10

ORDER

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

It is the case of the petitioner that on account of a quarrel between her and one Mookan, she lodged a complaint, based on which, a case in Crime No.13 of 2018 dated 27.03.2018 for the offence under Section 294(b) IPC and Section of 4 of Tamil Nadu Prohibition of Harassment of Women Act was registered. After investigation, the police filed a closure report in Crime No.13 of 2018 in RCS No.3 of 2018 closing the case as mistake of fact. Now, it is alleged by the petitioner that the said closure report is illegal and has to be set aside.

2.In our opinion, writ of certiorarified mandamus cannot be issued for quashing such an order as there are remedies available to the petitioner under the Code of Criminal Procedure. Just because the petitioner had failed to avail of the remedy, she cannot make a back door entry by filing this writ petition. Hence this writ petition is devoid of merits and the same is accordingly dismissed. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

सत्यमेव जयते 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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Valparai, Coimbatore District.
10. The Special Sub Inspector of Police,
Mudis Police Station, Valparai,
Coimbatore District.
11. The District Munsif cum Judicial Magistrate,
Valparai.
12. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.P.S.Kodhandaraman, Advocate, S.R.No.14101.

PL(CO)
CSR 25.03.2021

W.P.No. 3343 of 2021