

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 21.06.2021

PRONOUNCED ON : 24.06.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.6800 of 2021

C.Selvakumar

...Petitioner

Vs.

1. The Deputy Commissioner of Police,
St.Thomas Mount Police District,
St.Thomas Mount,
Chennai - 89.
2. The Superintendent of Police,
Chengalpattu District,
Chengalpattu.
3. The Assistant Superintendent of Police,
Mamallapuram Range,
Mamallapuram,
Chengalpattu District.
4. The Assistant Commissioner of Police,
Selaiyur Range,
St.Thomas Mount Police District,
Velachery - Tambaram Road,
Chennai - 73.

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, to direct the second respondent to register the case on the basis of the complaint of the petitioner dated 14.12.2020 made to the Sub-Inspector of the Police, Selaiyur Police Station.

For Petitioner : Mr.K.Kannan

For Respondents : Mr.A.Damodaran
Government Advocate (Crl.Side)

O R D E R

This Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, to direct the second respondent to register a case on the complaint of the petitioner dated 14.12.2020 made to the Sub-Inspector of the Police, Selaiyur Police Station.

2.The contention of the petitioner is that the petitioner's wife Dr.S.Kayalvizhi is a Graduate in the discipline of Information Technology and she completed her Master of Engineering in the year 2013 and recently completed her Doctorate. The petitioner's wife got appointed as Assistant Professor in Mohamed Sathak A.J. College of Engineering on 12.09.2018. Though they promised her to pay as per AICTE Norms, after six months of gaining experience, they failed to do so.

3.In the meanwhile, the college management has appointed new Principal, Dr.Srinivasan in the month of November, 2019, who was confrontations towards the petitioner's wife, since she belongs to Scheduled Caste community and she was victimised, due to the continuous harassment at the work place, she made a complaint to the second respondent on 12.10.2020 and no action taken. The petitioner's wife went into mental depression and left her home. Thereafter, the petitioner lodged a complaint for woman missing in Crime No.1148 of 2020 and FIR registered on 15.10.2020. Later she returned home and gave reason that due to mental depression and harassment caused by the college authorities she had done so. The petitioner's wife had submitted her detailed representation to the AICTE, UGC and Anna University on 02.12.2020, complaining about the college management not disbursing her salary and not returning her original certificates, unable to bear any further, she had even attempted suicide.

4.Further the petitioner's wife attempted to commit suicide on 12.12.2020, by consuming sleeping pills. The petitioner's daughter came to know about this on 13.12.2020 morning and she immediately called 108 Ambulance and rushed her mother to Chrompet Government Hospital and thereafter for further treatment to the Rajiv Gandhi Hospital, Chennai. In the meanwhile the Inspector of Police, Selaiyur Police Station received information from the Chrompet Government Hospital, directed the Sub-Inspector of Police to enquire about the same. The Sub-Inspector of Police came to the Rajiv Gandhi Hospital, attempted to record the dying declaration, but she was unable to give any statement. On 14.12.2020, the Sub-Inspector of Police, Selaiyur recorded the statement of the petitioner's wife in audio and video mode. In the said statement the petitioner's wife clearly stated all the atrocities she faced at

the hands of college management, which forced her to attempt suicide. Despite cognizable offence made out, the respondent police failed to take any action against the concerned persons i.e. the college officials. The Selaiyur Police though coming to know about the petitioner's wife being subjected to discrimination, harassment and cruelty have not taken any action.

5. In the meanwhile, the petitioner filed a Writ Petition in W.P.No.773 of 2021 seeking a direction, to direct the second respondent to take necessary Departmental Action as against the college officials. This Court by order dated 22.01.2021 dismissed the Writ Petition on the ground that there is not even a word or whisper about the Departmental Action. Thereafter another Writ Petition in W.P.No.3208 of 2021 was filed by the petitioner and this Court by order dated 17.02.2021 observed that the petitioner's wife attempted to commit suicide and there is a violation of Prevention of SC and ST Act and failed to give any direction and dismissed the Writ Petition.

6. The petitioner later filed a petition under Right to Information Act seeking action taken by the Inspector of Police, Selaiyur Police Station on his complaint dated 14.12.2020, and a reply was received by the petitioner on 12.03.2021. From the reply it is seen that the complaint enquired by Selaiyur Police was transferred on the point of jurisdiction and was forwarded to the Inspector of Police, Thazhambur Police Station, Chengalpet District. Further, the petitioner had sought for the copy of the complaint, which was refused for the reason that the petitioner is the author of the complaint and he may have the copy of the same and also observing that the complaint of the petitioner had already been forwarded to the Superintendent of Police, Chengalpet on 16.02.2021 and the same can be obtained from them.

7. The learned Government Advocate (Crl. Side) appearing for the respondents submitted that the petitioner had been filing one petition after another making allegations against the officials of Mohamed Sathak A.J. College of Engineering for subjecting her to discrimination, harassment and cruelty, since the petitioner's wife belongs to Scheduled Caste community. The petitioner's wife had left her house on her own on 14.10.2020, for which a case was lodged by the petitioner with the Inspector of Police, Selaiyur on 15.10.2020 and a case in Crime No.1148 of 2020 was registered on 19.10.2020. The petitioner's wife informed that she left the house on her own and she took treatment at Dr.K.N.Rao Hospital, Salem and thereafter the petitioner brought her back. There seems to be some dispute and misunderstanding with regard to the payment of salary dues and returning of her original certificates. The petitioner's wife sent a representation to the AICTE, UGC and Anna University

against the college officials and she had also filed writ petitions and the writ petitions have been disposed of by this Court.

8.This being the case on 12.12.2020, she had left a suicide note that she had taken sleeping pills. Later she was admitted in the Chrompet Government Hospital and transferred to Rajiv Gandhi Hospital for further treatment. The Sub-Inspector of Police, Selaiyur Police Station, rushed to the hospital on 13.10.2020. The Accident Register No.1998545 was collected from the Hospital, wherein it is found that the petitioner's wife was admitted in Ward No.211 in the Rajiv Gandhi Government Hospital, where Dr.Rajasekarapandian and Dr.Sakthivel gave treatment to her and they were examined with regard to the health condition of the petitioner's wife, they informed that the petitioner's wife has taken ALPRAZOAM - 0.25 MG 10 Tablets, TRAMADOL 100 Mg, ACETAMINOPHEN 325 Mg together 30 tablets, on the whole she had consumed 40 tablets and the patient currently hemodynamically unstable and drowsy with mild disorientation, so that the patient is not fit to give dying declaration at present. The dying declaration would not be recorded. Later on 14.12.2020, the petitioner's wife regained conscious and she was enquired and it was found that the petitioner's wife salary was not disbursed to her properly and her educational credential certificates are withheld by the college authorities and that is the reason for attempting suicide. Now, the complaint has been forwarded to the Superintendent of Police, Chengalpet on the point of jurisdiction.

9.On the submissions and on perusal of the materials it is seen that the petitioner's complaint dated 14.12.2020 has been forwarded by the Inspector of Police, Selaiyur Police Station to the Inspector of Police, Thazhambur Police Station on the point of jurisdiction, on the orders of the Deputy Commissioner of Police, St.Thomas Mount. The Superintendent of Police, Chengalpet has also informed about the same.

10.In view of the same, the Inspector of Police, Thazhambur Police Station is directed to conduct enquiry on the complaint of the petitioner and if any cognizable offence is made out, the Inspector of Police, Thazhambur Police Station is directed to register FIR and proceed accordingly. If no cognizable offence is made out, the Inspector of Police, Thazhambur Police Station is directed to dispose of the complaint of the petitioner dated 14.12.2020, informing the petitioner the action taken and the outcome of the enquiry. The Superintendent of Police, Chengalpet as well as the Inspector of Police, Thazhambur Police Station are reminded that the complaint is against atrocity against a person belonging to a Scheduled Caste Community, following the provisions and procedures of The Scheduled Caste

and Scheduled Tribes (Prevention of Atrocities) Act 1989 and Rules 1995, following the same enquiry to be conducted.

11. With the above direction, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Deputy Commissioner of Police,
St.Thomas Mount Police District,
St.Thomas Mount,
Chennai - 89.
2. The Superintendent of Police,
Chengalpattu District,
Chengalpattu.
3. The Assistant Superintendent of Police,
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Mamallapuram,
Chengalpattu District.
4. The Assistant Commissioner of Police,
Selaiyur Range,
St.Thomas Mount Police District,
Velachery - Tambaram Road,
Chennai - 73.
5. The Inspector of Police, Thazhambu Police Station.
6. The Public Prosecutor, High Court, Madras.

+1cc to Mr.K.Kannan, Advocate, Sr.No.29476

WEB COPY

Pre-Delivery Order in
Cr1.O.P.No.6800 of 2021

UM(CO)
KKV/09/07/2021