

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P. No. 8644 of 2021

Nandhini

...Petitioner

Versus

State rep.by
The Inspector of Police,
W-35, All Women Police Station,
Tambaram,
Chennai - 600 045.

...Respondent

Writ Petition filed under Article 226 Constitution of India, to issue Writ of Mandamus, to direct the respondent police to provide adequate police protection to the petitioner, her sister namely Chandini and her mother namely Geetha Bai, in view of the constant threats from Logeswaran and his henchmen.

For Petitioner : Ms.Vijayalakshmi K.Rajaratnam

For Respondent : Mr. M.Mohammed Riyaz,
Additional Public Prosecutor

ORDER

The petitioner is a second year College Student. She is residing at Door No.12(A), 4th Cross Street, Devaraj Nagar, Nedugundram, New Perungalathur, Chennai - 600 127. According to the petitioner, her sister Chandini married one Logeswaran. It is alleged that after the demise of her father, the accused/Logeswaran used to visit the petitioner's house frequently and taking advantage of the situation Logeswaran had committed forcible rape on the petitioner, for which, she had lodged a complaint on 04.03.2021, based on which the case in Crime No.5 of 2021 was registered for the offence punishable under Sections 367, 506(ii) of IPC. Upon registration of the case, the said Logeswaran was arrested and remanded in Central Prison, Puzhal.

2.On coming to know about the cruel act of Logeswaran, the petitioner's sister/Chandini had left her matrimonial home and living with her mother and petitioner since the father of the petitioner passed away in the year 2005. Taking advantage of the

fact that there is no male support and no one could defend Logeswaran, the said Logeswaran is constantly threatening the petitioner and her family members. According to the petitioner, the said Logeswaran was arrested and remanded to judicial custody in Crime No.5 of 2021. Even when Logeswaran was in Puzhal Prison, he contacted the petitioner by using a mobile phone bearing No.9345586054, called the petitioner, threatened and pressurised her to withdraw the complaint lodged against him. Further, Logeswaran and his family members were also threatening the petitioner's family through unknown persons, for which, the petitioner's family did not pursue any criminal case. In such circumstance, the petitioner has filed the present petition before this Court, seeking appropriate relief.

3. According to the petitioner, she has submitted representations on 21.04.2021 to the respondent seeking police protection, but there was no response.

4. When this Criminal Original Petition was listed for hearing on 17.04.2021, this Court directed the respondent/police to assist the petitioner's sister/wife of the accused to get back her articles from the matrimonial home. This Court also directed the petitioner to furnish the phone call details and other private telephone numbers from which she received threats from unknown persons. Accordingly, the petitioner had been enquired on 18.04.2021 and 19.04.2021. On 18.04.2021, at that time of enquiring, it is alleged that the respondent/police used abusive words towards the petitioner and her sister. It is also stated that the respondent/ police are not willing to hear the words of family members of the victim and their grievances. It is also alleged that the respondent/police informed that the petitioner is making false claims with respect to the calls received by her, but it was objected to by the petitioner by reiterating that she received threatening calls from Logeswaran. It is also stated that the matter was informed to the father-in-law of Chandini. Now the father-in-law is at Madurai taking treatment in Hospital. It was also stated after verification that still the articles could not be recovered so far. On the one hand, the petitioner's sister states she left the matrimonial home. But it is not known whether she did not take with her the belongings.

5. When it is claimed by the petitioner that she had received threats through phone calls from unknown numbers compelling to withdraw the complaint given by her against Logeswaran, it has to be verified thoroughly. The respondent police cannot simply say that the petitioner could not have received any such calls without proper verification. At the same time, the grievance of the petitioner's sister for taking back her articles from her matrimonial home has to be addressed. When it is the claim of

the petitioner that the respondent police, during the course of enquiry, abused her and her family members in filthy language, it would be appropriate to transfer the investigation in this case to any other independent investigating agency.

6. Accordingly, this Court directs the Deputy Commissioner of Police, Crime against Women and Children Wing, Greater Chennai Police, Greams Road (Thousand Lights Police Station Campus) Thousand Lights, Chennai to take up the investigation in Crime No.5 of 2021. The Deputy Commissioner of Police shall conduct the investigation by himself or to nominate a competent officer to investigate the case in Crime No.5 of 2021 and to file a status report before this Court. The investigation officer shall also consider providing police protection to the petitioner and his family members after conducting a thorough enquiry. The petitioner's sister is also directed to furnish a list of articles that are lying in the matrimonial home and on receipt of the same, the investigation officer shall assist the petitioner's sister to get back her articles.

7. List the case on 03.06.2021 for filing a status report under the caption "for reporting compliance". Registry is directed to mark a copy of this order to the Deputy Commissioner of Police, Crime against Women and Children Wing, Greater Chennai Police, Greams Road (Thousand Lights Police Station Campus) Thousand Lights, Chennai.

8. With the above directions, the Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

klt

To

1. The Inspector of Police,
W-35, All Women Police Station,
Tambaram,
Chennai - 600 045.

2. The Public Prosecutor,
High Court, Madras.

copy to:

1. The Deputy Commissioner of Police,
(Crime against Women and Children Wing),
Greater Chennai Police, Greams Road
(Thousand Lights Police Station Campus),
Thousand Lights, Chennai.

2.The Section Officer,
Writ Posting,
High Court, Madras 104

W.P.No.8644 of 2021

VBM(CO)
KKV/15/06/2021



WEB COPY