



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.15623 of 2021

V.Deepa

...Petitioner

Versus

1.The Inspector of Police
Namakkal Police Station
Namakkal.

2.The Superintendent of Police
Namakkal to Trichy Road
Near Collectorate Office
Namakkal 637 003.

3.S.Mohanakumar

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the representation dated 30.04.2021 duly delivered to the first respondent on 01.05.2021 and to the second respondent on 03.05.2021, to not harass the petitioner under the guise of enquiry on a false and baseless complaint given by the defacto complainant, which does not even have the petitioner name in it.

For Petitioner : Mr.G.Mohanakrishnan

For Respondents : Mr.A.Damodaran for R1 & R2
Government Advocate (Crl.Side)

ORDER

This petition has been filed to direct the respondents to consider the representation dated 30.04.2021 duly delivered to the first respondent on 01.05.2021 and to the second respondent



on 03.05.2021, to not harass the petitioner under the guise of enquiry on a false and baseless complaint given by the defacto complainant, which does not even have the petitioner name in it.

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2. The contention of the petitioner is that the first respondent under the guise of investigation in Crime No.1152 of 2020 for the offence under Sections 147, 148, 294(b), 341 and 307 of IPC has been constantly harassing the petitioner for one reason or other. The respondent Police called her at odd hours, but no enquiry conducted. The petitioner was arrested on 19.08.2020 and she was granted bail on 06.11.2020. Thereafter, she had participated in the enquiry.

3. He further submitted that the petitioner's name does not find place even in the First Information Report, but she was arrested at the instance of the complaint of the defacto complainant. The petitioner has been falsely implicated in this case and hence, she filed this petition.

4. The learned Government Advocate (Cr1.Side) has submitted that in the case in Crime No.1152 of 2020, the petitioner was arrested. Thereafter, the petitioner obtained bail and one of the condition is that she should attend enquiry in Crime No.1152 of 2020 whenever she is called, which is not a harassment.

5. Considering the submissions and also finding that the petitioner is a lady and her husband is the main accused, who is a notorious person and got some criminal records, for which, the petitioner cannot be unnecessarily harassed. If the petitioner is needed, the respondent Police shall issue notice and call her for investigation and the interrogation should be made in the presence of Women Police Personnel.

6. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-VI)

// True Copy //

Sub Assistant Registrar

dna



1.The Inspector of Police
Namakkal Police Station
Namakkal.

2.The Superintendent of Police
Namakkal to Trichy Road
Near Collectorate Office
Namakkal 637 003.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.G.Mohanakrishnan, Advocate SR.No.36758

W.P.No.15623 of 2021

GPL(CO)
RVM(27/08/2021)