



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2021

CORAM:

THE HONOURABLE MRS.JUSTICE R. HEMALATHA

WP(MD)No.1614 of 2021

WEB COPY

Senthilkumar

... Petitioner

vs.

- 1.The Director General of Police,
Office of the Director General of Police,
Dr.Rathakrishnan Road, Chennai.
- 2.The Deputy Inspector General of Police,
Office of the Deputy Inspector General of Police,
Trichy Range, Trichy.
- 3.The Superintendant of Police,
Office of the Superintendant of Police, Trichy District.
- 4.The Deputy Superintendant of Police,
Office of the Deputy Superintendant of Police,
Musiri Taluk, Trichy District.
- 5.The Inspector of Police,
Uppilyapuram Police Station, Trichy.
- 6.The Sub-Inspector of Police,
Uppilyapuram Police Station, Trichy District.
- 7.Kaliselvan,
The Sub-Inspector of Police,
Uppilyapuram Police Station,
Trichy District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus directing the respondents 1 to 4 to take appropriate action against the respondents 5 and 6 on the basis of the petitioner's representation dated 25.09.2020 and on the basis of the guidelines issued by the Hon'ble Constitution Bench of the Supreme Court of India in Lalitha Kumari Case reported in (2014)2 Sec1, in accordance with Law within the time stipulated by this Hon'ble Court.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.S.Chandrasekar,
Nos.1 to 6 Additional Public Prosecutor

O R D E R

By consent, this Writ Petition is taken up for final hearing at the admission stage itself.

2. The petitioner has filed this petition seeking for a direction to the respondents 1 to 4 to take appropriate action against the respondents 5 and 6 on the basis of the petition submitted by the petitioner on 25.09.2020.

3. The main grievance of the petitioner is that though he lodged a complaint against the seventh respondent, the police did not take any action till date and they also did not follow the guidelines issued by the Honourable Constitution Bench of the Supreme Court in Lalita Kumari vs. Government of Uttar Pradesh and others reported in (2014) 2 SCC 1.

4. Mr.S.Chandrasekar, learned Additional Public Prosecutor who accepts notice for the respondents 1 to 6, on instructions, would contend that the wife of the petitioner lodged a complaint with the fifth respondent and the fifth respondent registered First Information Report in Crime No.890 of 2020 against the petitioner for the offences punishable under Sections 488, 294(b), 323, 427, 506(2) of Indian Penal Code and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 and that the petitioner is not co-operating for the investigation.

5. At this juncture, Mr.R.Alagumani, learned counsel appearing for the petitioner contended that the complaint lodged by the wife of the petitioner is subsequent to the complaint lodged by the petitioner and the respondents are acting against the petitioner at the instigation of the petitioner's wife.

6. Considering the aforesaid submissions, the Criminal Original Petition is disposed of with a direction to the sixth respondent to follow the guidelines issued in the decision in D.K.Basu Vs. State of West Bengal reported in AIR (1997) SC 610 with regard to the complaint lodged by the wife of the petitioner in Crime No.890 of 2020. The fifth respondent is further directed to consider the representation of the petitioner dated 25.09.2020 in accordance with law within a period of two weeks from the date of receipt of a copy of this order / uploading of the order.

Sd/-

Assistant Registrar(T & P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Director General of Police,
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- 5.The Inspector of Police,
Uppilyapuram Police Station, Trichy.
- 6.The Sub-Inspector of Police,
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Trichy District.

+1 CC to M/s.R.ALAGUMANI, Advocate (SR-3228[F] dated 04/02/2021)

WP(MD)No.1614 of 2021
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DKS (CO)
TR(16.02.2021) 3P 8C