



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2021

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P. (MD)No.7482 of 2019

and

W.M.P (MD)No.6544 of 2019

(Through video Conference)

R.Selvalakshmi

.. Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Principal Secretary,
Home (Police IX) Department,
Secretariat, Fort St.George,
Chennai-9.
- 2.The State Women's Rights Commission,
No.100, Anna Salai,
Guindy, Chennai-32.
- 3.The Director General of Police,
Seward Road,
Mylapore, Chennai.
- 4.The Commissioner of Police,
Madurai City,
Madurai.
- 5.The Superintendent of Police,
Madurai, Madurai District.

.. Respondents

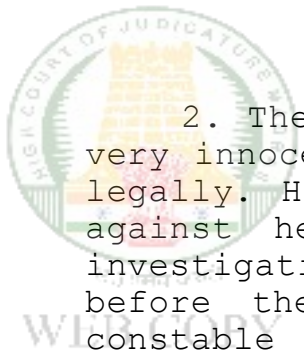
PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the 4th respondent to dispose of the proceedings of the 1st respondent letter No.60588/Pol.IX/2018-I, dated 22.10.2018.

For Petitioner	: No Appearance
For R1, R3 to R5	: Mr.B.Thanga Aravindh Government Advocate

ORDER

This writ petition is filed by R.Selvalakshmi, W/o.S.Ravichandran seeking mandamus directing the fourth respondent the Commissioner of Police, Madurai, to pass appropriate order on the proceedings of the first respondent's letter, dated 22.10.2018.

<https://hcservices.ecourts.gov.in/hcservices/>



2. The case of the petitioner is that she and her husband are very innocent persons, carrying on their livelihood peacefully and legally. However, the respondent police started filing false case against her and her husband since 2006. Under the guise of investigation before the Commissioner of Police, remanded her before the judicial Magistrate-VI, Madurai without any female constable in Crime No.62 of 2006 and Crime No.113 of 2006 on the file of the Inspector of Police, PEW, Madurai.

3. It is also alleged by the petitioner that she was sexually harassed and rapped by the police officials inhumanly. When the same was reported to the State Women Rights Commission, the police officials booked her husband under Act 14 of 1982 and it was later quashed by the High Court. Since the police officials have violated the fundamental right of the petitioner contrary to the guidelines of the Hon'ble Supreme Court, she has made representation to the first respondent. Pursuant to that representation, the first respondent directed the fourth respondent to take necessary action vide proceedings, dated 22.10.2018. In spite of that, the fourth respondent has not taken any action and therefore, the present writ petition is filed seeking mandamus.

4. The fourth respondent has filed a detailed counter wherein it is stated that the complaint of the petitioner being very belated one alleging some incident occurred in the year 2007, it also found to be false, mischievous and misconceived to get over the action for bad antecedent of the petitioner and her husband. In fact on 03.12.2006, at about 15 hours during the vehicle check up conducted by the police team near Karpaga Nagar on Alagar Kovil Road, K.Pudhur, Madurai, the Ambassador car driven by the petitioner's husband was intercepted and about 154 bottles of Indian made foreign liquor was found transported without valid permit, same was seized and the petitioner's husband was arrested and a case under Tamilnadu Prohibition Act was registered against him. As a follow up, the residence of the petitioner was searched and about 1026 bottles of IFML was seized. Hence, the petitioner was arrested and produced before the Judicial Magistrate No.VI, Madurai, with woman escort and thereafter, remanded to Trichy Women Prison on 04.12.2006. It is incorrect to say that she is sent to prison without woman police escort. In fact, Tmt.Fathima Rohini, Inspector of Police, Juvenile Aid Police Unit, Madurai City, escorted the petitioner herein to the Judicial Magistrate court as well as prison. The husband of the petitioner is a unique track record of committing prohibition offence and he was booked for offence under Sections 4 (1) (A), 4 (1) (a) (a) (a) and 4(1) (a) of the Tamilnadu Prohibition Act. On several occasions being a habitual book record, he was once detained under GOONDAS. No incident as alleged in the affidavit occurred and the averments in the affidavit are highly imaginary and made only to tarnish the image of the police and to deter the police from enforcing strict action against persons who are violators of the Prohibition Act.



5. From the counter affidavit, this Court finds that the initial case which was registered in the year 2016 taken on file as C.C.No.191 of 2007 ended in acquittal on 21.01.2019. The present writ petition has been filed soon after the order of acquittal passed by the learned Judicial Magistrate No.VI, Madurai, in C.C.No.191 and 192 of 2007. The timing of filing the writ petition, the nature of allegation and the bad antecedent of the petitioner's husband goes to show that the present petition is filed just to create sensation and deter the police from enforcing law against the petitioner and her husband. The counter affidavit filed by the Commissioner of Police clearly narrates the intention of the petitioner and her husband ie, after 12 years of the alleged occurrence, now warrants this Court to dismiss this writ petition as malicious and filed with ulterior motive. Accordingly, this writ petition is dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PJL

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 Principal Secretary,
State of Tamil Nadu,
Home (Police IX) Department,
Secretariat, Fort St.George,
Chennai-9.
- 2.The State Women's Rights Commission,
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Guindy, Chennai-32.
- 3.The Director General of Police,
Seward Road,
Mylapore, Chennai.



4.The Commissioner of Police,
Madurai City,
Madurai.

5.The Superintendent of Police,
Madurai, Madurai District.

6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

W.P. (MD) No. 7482 of 2019

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USK (04.01.2022) 4P 7C