



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.21553 of 2021

and

W.M.P. (MD)Nos.18108 & 18109 of 2021

WEB COPY

M.Priya

... Petitioner

-Vs-

- 1.The State of Tamil Nadu represented by
The Secretary to Government,
Home Department,
Fort St.George,
Chennai-600 009.
- 2.The Director General of Police,
Office of the Director General of Police,
Dr.Radha Krishnan Salai,
Chennai.
- 3.The Inspector General of Police,
Office of the Inspector General of Police,
South Zone, New Natham Road,
Madurai.
- 4.The Superintendent of Police,
Office of the Superintendent of Police,
Dindigul District.
- 5.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Vedasanthur Sub Division,
Dindigul District.
- 6.The Inspector of Police,
Eriodu Police Station,
Dindigul District.
- 7.Sathyaprabha
The Inspector of Police,
Eriodu Police Station,
Dindigul District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 3 to take action against the respondents 6 & 7 within the time specified in this Court.

<https://hosevisuabatt.gov.in/hosevisuabatt>



For Petitioner : Mr.R.Alagumani
For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor

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ORDER

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents.

2. The petitioner's counsel states that the petitioner was taken to the Eriodu Police Station premises on 25.11.2021 and that she was detained illegally. The petitioner would also state that she was slapped. The petitioner has therefore given a representation for taking action against the seventh respondent.

3. When the matter was taken up for hearing, the learned Additional Public Prosecutor submitted that the petitioner's husband Thiru.V.C.Murugan is involved in as many as 16 cases. It is true that he had secured acquittal in nine cases out of 16 cases. As on date, seven cases are pending. One of the case arises under Section 302 of IPC. Three cases are arising under Section 307 of IPC. The petitioner's brother-in-law Thiru.V.C.Rajendran is involved in 62 cases. The other brother-in-law Thiru.V.C.Selvam is involved in nine cases. Yet another brother-in-law Thiru.V.C.Dharmar is involved in 23 cases. Another brother-in-law Thiru.V.C.Maharajan is also involved in 16 cases. Thus, the entire family is involved in one criminal case after another.

4. In these circumstances, the respondent police wanted the petitioner's husband to appear before the executive magistrate for executing the security bond. Since he was absconding, the sixth respondent wanted to effect service of notice under Section 111 of Cr.P.C. According to the respondents, since security proceedings are proposed to be initiated, the present writ petition has been filed. The respondents deny that the petitioner was put to any kind of harassment.

5. Disputed questions of fact arise for consideration. I am therefore of the view that in writ proceedings, they cannot be gone into. I wanted to know from the respondents as to whether the petitioner has come under the adverse notice of the respondents. A categorical statement is made that the petitioner is not an accused in any criminal case. While I decline to go into the factual controversy as to whether the petitioner was earlier taken to the station premises, the respondents are restrained from harassing the petitioner in any manner, so long as, she does not come under their adverse notice.



6. The Writ Petition is disposed of on these terms. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Rmi

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 Secretary to Government, Home Department,
Fort St.George, Chennai-600 009.
- 2.The Director General of Police,
Office of the Director General of Police,
Dr.Radha Krishnan Salai, Chennai.
- 3.The Inspector General of Police,
Office of the Inspector General of Police,
South Zone, New Natham Road, Madurai.
- 4.The Superintendent of Police,
Office of the Superintendent of Police, Dindigul District.
- 5.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Vedasanthur Sub Division, Dindigul District.
- 6.The Inspector of Police, Eriodu Police Station,
Dindigul District.
- 7.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

W.P. (MD) No.21553 of 2021

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