



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2022

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

W.P.No.1917 of 2022

and

W.M.P No.2605 of 2022

K. Valli

.. Petitioner

Vs.

1. The State of Tamil Nadu
Rep. By Secretary to Government
Home Department,
Fort St. George,
Chennai.
2. The District Collector,
Ranipet District Collectorate,
Ranipet.
3. The Revenue Divisional Officer,
Arakkonam,
Arakkonam Taluk.
4. The Director of General of Police,
No.601, Radhakrishnan Salai,
Mylapore,
Chennai-4.
5. The Superintendent of Police,
Arakkonam Division,
Ranipet District.
6. The Deputy Superintendent of Police,
Arakkonam Division,
Arakkonam.
7. The Inspector of Police,
Arakkonam Taluk Police Station,
Ranipet District.
8. The Crime Branch CID,
No.3, SIDCO Electronic Complex,
1st Floor, Guindy,
Chennai-600 032.



9. The Village Administrative Officer,
Argilapadi Village,
Arakkonam Taluk,
Ranipet District.

.. Respondents

PRAYER: Writ Petition filed under Section 226 of Constitution of India, pleaded to issue of a Writ, Order or Direction more particularly in the nature of Writ of Mandamus directing the 1st respondent to withdraw the investigation in F.I.R No.32 dated 21.01.2022 of 7th respondent and transfer the same to the 8th respondent and consequently direct the 2nd respondent to take action against the erring officials for violating the provision of the Panchayat Act of 1994.

For Petitioner : Mr.C.Vigneshwaran

For Respondents : Mr.A.Gokulakrishnan

Additional Public Prosecutor.

O R D E R

This Writ Petition has been filed to direct the 1st respondent to withdraw the investigation in F.I.R No.32 dated 21.01.2022 of 7th respondent and transfer the same to the 8th respondent and consequently direct the 2nd respondent to take action against the erring officials for violating the provision of the Panchayat Act of 1994.

2. The Submissions of the learned counsel appearing for the petitioner are as under:-

(a) The petitioner belongs to Scheduled Tribe community and she is one of the first independent candidates, who contested for the rural local body election to the post of President in Arugilapadi Village Panchayat, Ranipet District, concluded in October 2021 and the petitioner was elected unopposed as the President of the Panchayat and she has been taking care of the day to day functioning of the Panchayat.

(b) While so, one Dilli, S/o.Ehtiraj, who belongs to the same village had approached one Mrs.Santhakumari, Secretary of the Village Panchayat to award contracts to him for the works of the Village Panchayat and give money for the same. Further, he had threatened stating that he is an advocate by profession and he would file cases against the petitioner and suspend her from the post and not allow her function as the President of the Village Panchayat. Further, the said person had been continuously harassing the petitioner and the Secretary, who both are women belonging to the oppressed community.

(c) On 12.01.2022 at 10.00 a.m, the said Dilli opened up a Panchayat Road to an extent of 300 metres without getting permission from the competent authority and also sank a borewell due, to which, the petitioner had immediately made complaint about the activities of the said person to the 7th respondent on 21.01.2022 and the 7th respondent/ Inspector of



Police, Arakkonam, had registered a case in Crime No.32 of 2022 for the offences under Section 294(b), 353, 506(1) of IPC and Section 4 of the TN prohibition of Harassment of Women Act, 2002 and Section 3(2) TN Public Property (Prevention of Damage & Loss) Act, 1992.

(d) Though, the accused had violated many provisions of the Panchayats Act viz., Section 131, 143-A or 143-B and 246B of the Panchayat Act, 1994, the above provisions had not been added in the F.I.R. The accused had obtained anticipatory bail and thereafter, he had once again on 24.01.2022, gone to the office of the Village Panchayat along with 50 men and had created a ruckus. Since, the 7th Respondent had not conducted the investigation in a proper manner and had deliberately allowed the accused to obtain anticipatory bail, the accused had audacity to once again to indulge the criminal activities. Being not satisfied with the investigation, the present petition has been filed seeking to transfer the case to the file of the 8th respondent/ CBCID.

3. Mr.A.Gokulakrishnan, learned Additional Public Prosecutor would submit that pursuant to the complaint dated 12.01.2022, a case in Crime No.32 of 2022 was registered by the respondent for the offences under Section 294(b), 353, 506 (1) of IPC and Section 4 of the TN prohibition of Harassment of Women Act, 2002 and Section 3(2) TN Public Property (Prevention of Damage & Loss) Act, 1992 and the respondent had conducted proper investigation. He would further submit that since, the preliminary investigation revealed that the accused also belongs to the Scheduled Caste community, the relevant provisions have not been included in the F.I.R. He would further submit that the investigation has being done in a proper manner and the 7th Respondent has not acted in a partisan manner.

4. Heard the learned counsel and perused the materials available on record.

5. It is alleged by the petitioner that despite the registration of the case on 12.01.2022, the 7th Respondent did not take any steps to arrest the accused. Thereafter, it is alleged that the accused had obtained anticipatory bail and once again had created ruckus on 24.01.2022. Though, the petitioner is not made out the case for transfer the investigation to 6th respondent/CBCID, this Court is of the opinion, that the direction may be issued to the 6th respondent/Deputy Superintendent of Police, Arakkonam, to monitor the investigation. In view of the above, the 6th respondent/Deputy Superintendent of Police, Arakkonam is directed to monitor the investigation in Crime No.32 of 2022 conducted by the 7th respondent/Inspector of Police. The 7th Respondent shall complete the investigation and file the final report in Crime No.32 of 2022 as expeditiously as possible preferably within a period of three months from today.



6. Accordingly, this Writ Petition is allowed.
Consequently, the connected Miscellaneous Petition is closed.
No costs.

WEB COPY

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

shk/ham

To

1. The Secretary to Government
State of Tamil Nadu
Home Department,
Fort St. George,
Chennai.
2. The District Collector,
Ranipet District Collectorate,
Ranipet.
3. The Revenue Divisional Officer,
Arakkonam,
Arakkonam Taluk.
4. The Director of General of Police,
No.601, Radhakrishnan Salai,
Mylapore,
Chennai-4.
5. The Superintendent of Police,
Arakkonam Division,
Ranipet District.
6. The Deputy Superintendent of Police,
Arakkonam Division,
Arakkonam.
7. The Inspector of Police,
Arakkonam Taluk Police Station,
Ranipet District.
8. The Crime Branch CID,
No.3, SIDCO Electronic Complex,
1st Floor, Guindy,
Chennai-600 032.
9. The Village Administrative Officer,
Argilapadi Village,
Arakkonam Taluk,
Ranipet District.
10. The Public Prosecutor, High Court of Madras.

W.P.No.1917 of 2022
and W.M.P No.2605 of 2022

sra (CO)

<https://hcservices.ecourts.gov.in/hcservices/>
A.SK(10.02.2022)