



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.894 of 2020

WEB COPY

Sathiya

... Petitioner

Vs.

- 1.The Home Secretary,
State of Tamil Nadu,
Home, Prohibitin and Excise Department,
Fort St. George, Chennai - 600009.
- 2.The Director General of Police,
Office of the Director General of Police,
Chennai.
- 3.The Inspector General of Police,
Office of the Inspector General of Police,
South Zone,
Chennai.
- 4.The District Collector/District Magistrate,
Office of the District Collector,
Theni.
- 5.The Superintendent of Police,
Office of the Superintendent of Police,
Theni District.
- 6.The Inspector of Police,
Bodinayakannur Rural Police Station,
Theni District.
- 7.Mr.Dharmar,
The Inspector of Police,
Bodinayakannur Rural Police Station,
Theni District.

.... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Mandamus, to direct the respondent Nos.1 to 3 to take action against respondent No.6 in accordance with law within the time stipulated by this Court.



For Petitioner

: Mr.R.Alagumani

For Respondents

: Mr.A.Thiruvadikumar,
Additional Public Prosecutor

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ORDER

The writ petition has been filed seeking for issuance of a Writ of Mandamus, directing respondent Nos.1 to 3, to take action against the sixth respondent in accordance with law within a stipulated period.

2. The crux of the allegation in the writ petition is that the sixth respondent has falsely implicated the petitioner's husband in Crime Nos.592, 593 and 594 of 2019. Otherwise, the contention of the petitioner is that all the cases foisted against her husband are not true and he has been falsely implicated. Therefore, action sought to be taken against the sixth respondent.

3. The learned Additional Public Prosecutor would submit that this writ petition has been filed when the orders for passing detention order was pending before the District Collector and only to thwart such detention order being passed, the writ petition has been filed with vague allegations. Now, Tamil Nadu Act 14 of 1982 has been invoked against the husband of the petitioner at the relevant point of time and would submit that this petition is nothing but an abuse of process of law.

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

5. As the allegation itself shows that the sixth respondent investigated the matter and filed the final report against the petitioner's husband. On mere filing of a final report, one cannot come to a conclusion that the petitioner's husband has been falsely implicated in the case. Only on appreciation of evidence, the trial Court has to come to a conclusion that whether the petitioner's husband has been falsely implicated or not and therefore, no such direction can be issued in this writ petition.

In the result, the writ petition is dismissed.

Sd/-

Assistant Registrar (CS III)

// 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:

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Office of the Superintendent of Police,
Theni District.
- 6.The Inspector of Police,
Bodinayakannur Rural Police Station,
Theni District.
- 7.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

DP
26/02/2022
3P/8C

W.P (MD) No.894 of 2020
16.02.2022