



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.01.2022

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P. (MD). No. 12321 of 2019 and

W.M.P. (MD) No. 9216 of 2019

WEB COPY

Vallimayil

... Petitioner

-Vs-

1. The Director General of Police,
Office of the Director General of Police,
Dr.Rathakrishnan Road,
Chennai.
2. The Superintendent of Police,
Office of the Superintendent of Police,
Dindigul District.
3. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Nilakottai Division,
Dindigul District.
4. The Inspector of Police, (L&O),
Nilakottai Police Station,
Nilakottai,
Dindigul District.
5. Tmt.Latha,
The Sub-Inspector of Police,
All Women Police Station,
Nilakottai,
Dindigul District.
6. Thiru.Krishnakumar,
The Police Constable, (L&O),
Nilakottai Police Station,
Dindigul District.

7. M.Velmurugan

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first to third respondents to take appropriate action against the fourth to sixth respondents on the basis of the representation submitted by the petitioner dated 12.05.2019 and on the basis of the guidelines issued by the Hon'ble Constitutional Bench of the Supreme Court of India in Lalitha Kumari case reported in (2014) 2 SCC 1.

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



For Petitioner : No appearance
For Respondents : Mr.P.Kottai Chamy
Government Advocate

ORDER

When the matter is taken up for hearing, there is no representation for the petitioner.

2. The Writ Petition is filed seeking mandamus to direct the first to third respondents to take appropriate action against the fourth to sixth respondents for not acting upon the complaint given by the petitioner herein regarding sexual assault by one Velmurugan against her minor daughter.

3. According to the petitioner, her minor daughter was kidnapped by Velmurugan S/o.Mayandi on 04.03.2019 under the pretext of marrying her. He had subjected her daughter to sexual assault and in spite of complaint, the fourth respondent Police had not taken any action and therefore, her representation to the first respondent and others, to take action against the Police officials who have failed to act upon her complaint, was forwarded to the learned District and Sessions Judge (PCR Court), Dindigul and the National Commission for Schedule Caste, Chennai on 14.05.2019 and thereafter, the present Writ Petition is filed.

4. The learned Government Advocate appearing for the respondents submits that the complaint of the petitioner herein regarding penetrative sexual assault on her minor daughter was registered on 29.05.2019 in Crime No. 5 of 2019 and after investigation, the final report was filed before the POCSO Court and tried in Special C.C. No. 39 of 2019. The said trial ended in acquittal. Regarding the complaint, the information given by the Police officials is that the same was enquired by the higher officials and found to be false. The petitioner herself has given letter to the Police that without her knowledge, her counsel has filed this Writ Petition. To verify the veracity of the said statement, the learned counsel for the writ petitioner is not present today. In any case, the grievance of the petitioner that her complaint has not been registered appears to be incorrect in view of the above representation made by the Additional Public Prosecutor. Therefore, this Court finds no merits in the Writ Petition and accordingly, this Writ Petition is dismissed. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

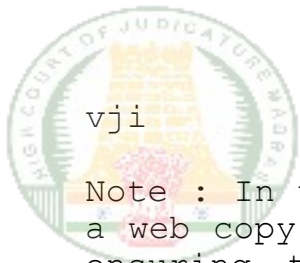
Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



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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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RK(11/02/2022) 3P 7C