



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 15.02.2022

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The Hon`ble Mr. Justice G.ILANGO VAN

***W.P (MD) .No.17309 of 2019 and
WMP (MD) .No.13814 of 2019***

V. Preethiga

... Petitioner

Vs

1.The Home Secretary,
Government of TamilNadu,
Secretariat,
Fort St. Geroge,
Chennai.

2.The Director General of Police,
Office of the Director General of Police,
Beach Road,
Chennai.

3.The Superintendent of Police,
Office of the Superintendent of Police,
Madurai District.

4.The Inspector of Police,
Palamedu Police Station,
Madurai District.

5.Raja

6.Annadurai

7.Maniraja

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 3 to conduct detailed enquiry based on his representation dated 31.07.2019 and initiate necessary action against the respondents 5,6 and 7 for having misused their official power in accordance with law within the time stipulated fixed by this Court.

For Petitioner : Mr.S. Malaikani

For Respondents : Mr. R. Meenakshi Sundaram



ORDER

This Writ Petition has been filed for issuing a direction to the respondents 1 to 3 to conduct detailed enquiry based on the petitioner's representation dated 31.07.2019 and initiate necessary action against the respondents 5 to 7 for having misused their official power.

2. The allegation is that during the course of complaint given by the counter party, the husband of the petitioner has been subjected to harassment and cruelty. Based upon the above said alleged harassment the representation has been sent by the petitioner seeking action against the police officials for having misused the official forum.

3. The learned Additional Public Prosecutor appearing for the respondents would submit that based on the complaint given by the defacto complainant a case in Crime No.100 of 2019 was registered against the husband of the petitioner and others. Similarly, on the basis of the complaint given by the counter party viz., husband of the petitioner a case in Crime No.101 of 2019 was also registered against other party. It is further submitted that after completing the investigation final report was filed and the husband of the petitioner was also acquitted in Crime No.100 of 2019 after full trial by the concerned Magistrate. He would further submit that the complaint given by the husband of the petitioner was referred as mistake of fact.

4. The contention of the petitioner that her husband has been illegally detained without providing any food, basic amenities is without any basis. Taking advantage of the fact the petitioner is working in judicial Department, they sent a representation. The contention that raised in the Writ Petition ought to have been raised before the trial Court during the course of trial proceedings. It is also seen that dispute between two neighbours.

5. In view of the subsequent development the matter has become infructuous and accordingly, the Writ Petition is dismissed as infructuous. No costs. Consequently, the connected Miscellaneous Petition is closed.

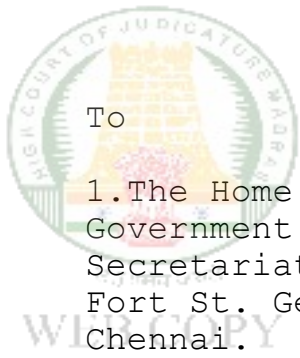
Sd/-

Deputy Registrar (A/Cs)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



To

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Fort St. Geroge,
Chennai.

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RD(07.03.2022) 3P 5C