



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 25.11.2022

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.26653 of 2022

M.Tamilselvi

..Petitioner

Vs

1.The State Information Commissioner,
State Information Commission,
No.2, Thiyagaraya Road,
Teynampet, Chennai -18.

2.The First Appellate authority(Under RTI),
Superintendent of Police,
Pudukkottai District,
Pudukkottai.

3.The Public Information Officer/
The Additional Superintendent of Police,
Pudukkottai,
Pudukkottai District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to issue medical memo issued by the Sub Inspector of Police, Alangudi Police Station to the Petitioner on 18.7.2019 within the time stipulated by this Court.

For Petitioner :Mr.T.Lenin Kumar

For Respondent-1 :Mr.B.Saravanan

For Respondent-3 :Mr.R.M.Anbunithi
Addl.Public Prosecutor(Crl.side)

**ORDER**

WEB COPY

The Petitioner has prayed for issuance of a Writ of Mandamus directing the respondents to issue medical memo issued by the Sub-Inspector of Police, Alangudi Police Station to the Petitioner on 18.7.2019 within the time stipulated by this Court.

2.Mr.B.Saravanan, learned counsel takes notice for the first respondent and Mr.R.M.Anbunithi, learned Additional Public Prosecutor(Crl.Side) appearing for the third respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The case of the Petitioner is that on 17.07.2019, one shanthi picked up quarrel with the Petitioner's father namely, Murugesan. On hearing the same, on 18.07.2019, when the Petitioner questioned the said Shanthi and her two daughters, they abused the Petitioner in filthy language and assaulted the Petitioner by holding the Petitioner's hair, strangulated her and snatched the Petitioner's 7 sovereigns of gold Thali, in which, the Petitioner sustained injury around her neck. To recover the said Thali Chain, the Petitioner approached the Alangudi Police Station and they asked the Petitioner to give a complaint in person and on receipt of the same, a case was registered in Crime No.123 of 2019, for the offence punishable under Sections 294(b), 323, 506(i) and 379 IPC by the Inspector of Police of the Alangudi Police Station one Sangeetha.On receipt of the complaint, the said official detained her in the police station



for more than three hours and not allowed to take her young child. Even though the Petitioner sustained injury in the body, without issuing any medical memo, kept the Petitioner in the Police station, with an intention to help the accused. The Said Police official on receipt of a complaint from the other party namely, Shanthi, registered a complaint against the Petitioner in Crime No.124 of 2019. In the above situation, the Petitioner decided to prefer a private complaint, for which, the Petitioner wants supporting documents. Hence, on 13.07.2021, the Petitioner submitted a representation under Right to Information Act to the third respondent to supply the copy of the medical memo issued by the Sub-Inspector of Police Sangeetha. On receipt of the said representation vide proceedings, dated 3.8.2021 gave a reply stating that the case is charge-sheeted and the same is yet to be taken on file by the learned Magistrate concerned. Hence the documents sought for by the Petitioner, cannot be granted. The Petitioner, therefore, preferred an appeal before the second respondent on 26.8.2021, who in-turn had rejected the appeal reiterating the reason assigned by the third respondent. Aggrieved by the same, the Petitioner had preferred a second appeal before the first respondent on 1.1.2022. On receipt of the same, the first respondent by his proceedings, dated 10.3.2022, directed the third respondent to furnish the information sought for by the Petitioner, who in-turn by his proceedings, dated 20.3.2022, stated that the CD files pertaining to the crime No.123 of 2019 does not contain copy of the medical memo and in respect of other



copies, the first respondent supplied the same. When the Petitioner sought for a copy of the medical memo from the Government Hospital, Alangudi, the Public Information Officer supplied a half page of medical memo stating that the other half page is not available in the Government Hospital, Alangudi. Without the medical memo, the Petitioner is not in a position to prefer a private complaint. Hence the present Writ Petition is filed for the relief stated supra.

4. On going through the FIR, it is seen that on 18.7.2019 at about 9.30 p.m., the occurrence has taken place and at about 10.30 a.m., the information was received. The Petitioner's submission that on 17.7.2019, at 12.00 clock, the said Shanthi picked up quarrel with the Petitioner's father and the complaint was given on 10.30 a.m., on the next day i.e., on 18.7.2019 is not acceptable. The Petitioner asked for the copy of the document and she has been issued with the same in Form No.68 by the Sub-Inspector of Police, Alangudi Police Station, Pudukkottai. It is seen that the memo has been sent in favour of the Petitioner, daughter of Mutharasan. The photographs produced by the Petitioner also shows abrasion in the neck and it is not very deep and the Petitioner can very well file a criminal complaint. The medical memo filed does not show any serious wound sustained by the Petitioner and she was given treatment only as an out-patient and not as an inpatient, which itself shows that the injury is simple in nature.



5.From the above, this Court is of the view that it is left open to the Petitioner to approach the Magistrate concerned, on the basis of the available documents. It is also seen that the crime is of the year 2019 and the Petitioner has sought for information only in the year 2022. Hence this Court is not inclined to entertain the present Writ petition, as the Petitioner has not made out any prima facie case for grant of relief as sought for by him.

6.Accordingly, the Writ Petition stands dismissed. No costs.

25.11.2022

Index : Yes/No

Internet:Yes/No

vsn

To

- 1.The State Information Commissioner,
State Information Commission,
No.2, Thiyagaraya Road,
Teynampet, Chennai -18.
- 2.The First Appeallate authority(Under RTI),
Superintendent of Police,
Pudukkottai District,
Pudukkottai.
- 3.The Public Information Officer/
The Additional Superintendent of Police,
Pudukkottai,
Pudukkottai District.



6

V.BHAVANI SUBBAROYAN,J

vsn

ORDER MADE IN
W.P(MD)No.26653 of 2022

25.11.2022



WEB COPY





WEB COPY





WEB COPY





WEB COPY





WEB COPY

