



W.P.(MD) No.21029 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.08.2023

CORAM

THE HONOURABLE DR.JUSTICE D.NAGARJUN

W.P.(MD) No.21029 of 2023

Ranjitha

... Petitioner

/vs./

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Madurai District.
- 2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Melur Circle,
Madurai District.
- 3.The Inspector of Police,
Melur Police Station,
Madurai District.

4.Manoharan

5.Palaniappan

6.Dinesh

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the Respondent No.1 and 2 to take action



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against the Respondent No.5 and 6 by considering the Petitioner's representation dated 25.07.2023 in accordance with law within time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

For R1 to R3 : Mr.B.Thanga Aravindh
Government Advocate (criminal side)

ORDER

This Writ Petition is filed under Article 226 of the Constitution of India seeking for a direction to the respondent Nos.1 and 2 to take action against the respondent Nos.5 and 6 by considering the petitioner's representation dated 25.07.2023 in accordance with law within the time stipulated by this Court.

2.It is submitted by the learned counsel for the petitioner that during the year 2020, a case has been filed against the husband of the petitioner alleging that he has committed a murder of one of the family members of the defacto complainant. After the murder, the relatives of the deceased stated to have destroyed the house of the petitioner. Since then, the petitioner has been residing in her parents home. The petitioner and her husband, who has been released from the jail, used to visit their house on special occasions and festivals of the temple.



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3.On 23.07.2023 at about 11.00 am., the petitioner and her family members went to the temple located in Melur and by knowing about their visit to Melur, the persons, by name Manoharan and his wife, by name Nagalakshmi, who belong to Kallar community (BC) had trespassed into their house and threw stones and abused her in filthy language and intimidated her criminally stating that they will kill her. The petitioner stated to have called emergency number 100 and registered a complaint, which was registered as CFS 18758781.

4.On 24.07.2023 at about 11 am., the petitioner and her father went to the respondent No.3 police station and filed a complaint. The respondent police asked her to withdraw the complaint given by her against one Manoharan and Nagalakshmi. However, she refused to withdraw the complaint. On 25.07.2023 on the instructions of the Sub Inspector of Police, the respondent No.3, the petitioner has visited the police station again, where the police again asked her to withdraw the complaint and therefore, sought for taking action against the respondent Nos.5 and 6 police.



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5.The learned Government Advocate (Crl.side) submits that all the submissions made by the petitioner are incorrect and none of the police have insisted the petitioner to withdraw the complaint. It is submitted that earlier the petitioner has filed Crl.O.P.(MD) No.14596 of 2023 on similar lines and the same was disposed of on 21.08.2023.

6.Heard the learned counsel on either side and perused the records.

7.The petitioner has sent a representation dated 25.07.2023 addressed to the District Collector and others to initiate action against one Dinesh and Pazhaniappan. The petitioner has enclosed the copies of the postal receipts to show that she has sent those representation on 26.07.2023. That means, though she stated to have prepared the complaint on 25.07.2023, it was sent on 26.07.2023. Except the self-serving statement of the petitioner in the form of affidavit that the unofficial respondent Nos.4 to 6 have insisted the petitioner to withdraw her earlier complaint, there is no record. According to the petitioner, the petitioner and her father went to the police station. According to the petitioner, the complaint filed by the petitioner was closed much earlier to the Inspector



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allegedly asking her to withdraw the same. The petitioner has given the representation dated 27.07.2023 making complaint seeking police protection and when the said representation was not considered, the petitioner has filed CrI.O.P. (MD) No.14596 of 2023 before this Court in the said petition, as per learned Additional Public Prosecutor, it is recorded that the petitioner herself has withdrawn the complaint. It is reported to the Court by the learned Additional Public Prosecutor that the petitioner has approached the police station along with two advocates during the course of enquiry and in their presence she has stated that those two persons have not been harassing the petitioner.

8.Once the complaint given by the petitioner has already been closed, there was no possibility for asking her to withdraw the complaint. Considering the above, this Petition is disposed of giving a liberty to the petitioner to file a complaint before the learned Magistrate against those two persons, if the petitioner is advised as such. No costs.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

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DR.D.NAGARJUN, J.

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