



WP.(MD)No.23311 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 14/12/2023

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The Hon'ble Mr.Justice **G.ILANGOVAN**

WP (MD) No.23311 of 2023

S.Parameswari

: Petitioner

Vs.

1.The Inspector of Police,
Madurai South Zone,
Madurai.

2.The Deputy Superintendent of Police,
Sattur, Virudhunagar District.

3.The Inspector of Police,
Vembakottai Police Station,
Virudhunagar District.

4.Thiru.Ramamoorthy,
Sub Inspector of Police,
Vembakottai Police Station,
Virudhunagar.

5.Thiru.Kothalamuthu,
Special Police of CID,
Vembakottai Police Station,
Virudhunagar District.

: Respondents

PRAYER:-Writ Petition has been filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus by directing the 1st and 2nd respondents to take appropriate action into the misconduct of the 4th and 5th respondents by considering the petitioner's representation, dated 10/07/2023 and pass any such further or other orders.



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For Petitioner : Mrs.S.Mahalakshmi
For R1 to R3 : Mr.M.Sakthi Kumar
Government Advocate
(Criminal side)
For R4 and R5 : No appearance

O R D E R

The writ petition has been filed seeking for direction to the respondents 1 and 2 to take appropriate action for the misconduct of the respondents 4 and 5, by considering the petitioner's representation, dated 10/07/2023.

2.The facts in brief:-

On 27/06/2023 at about 07.00 am, when the petitioner was drawing corporation water from the common tank, one Mayakrishnammal and her family members were found unlawfully extracting water by using an electrical pump. When the same was questioned, there was wordy altercation between them. The petitioner was subjected to assault by the above said persons. The petitioner was immediately admitted as in-patient in the Government Hospital, Sivakasi. After that, she lodged a complaint with the 3rd respondent police. Upon which, a case in Crime No.176 of 2023 was registered against seven persons for the offences under sections 147, 294(b) and 323 of IPC .



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However, the 4th respondent compelled the accused to file a counter complaint against the petitioner on the same day. Subsequently, the 4th respondent registered a counter case in Crime No.177 of 2023 against the petitioner and her family members. On the misconduct of the respondents 4 and 5, on 10/07/2023 sent representation to the respondents 1 to 3. Since there was no proper action, this writ petition has been filed seeking the relief as stated above.

3.Heard both sides.

4.It is a case and counter case. Based upon the complaint given by the petitioner, a case in Crime No.176 of 2023 was registered against seven persons.

5.As stated in the preamble portion, it is the allegation of the petitioner that the 4th and 5th respondents in the course of the investigation, compelled the counter party to file a counter complaint. Based upon which only, the counter case in Crime No.177 of 2023 was registered against the family members of the petitioner. So according to the petitioner, only because of the instigation or advise or abetment, counter case was registered by the respondent police herein. She wanted



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action to be taken or initiated against the police officials.

6.I am absolutely not in a position to appreciate the grievance of the petitioner.

7.It is a case and counter. Who are the aggressors can be found out during the course of the investigation. It is too a premature stage to record any finding on the veracity of the complaint and the counter complaint. Absolutely, no material has been placed by this petitioner to substantiate or even *prima facie* show his grievances.

8.The respondents police acted in the course of official duty and registered the counter complaint. Simply because, the counter complaint has been registered against the petitioner's family members, it cannot be stated that it is a false complaint that too initiated on the basis of the respondents herein.

9.A detailed counter is also filed by the 3rd respondent, wherein it has been stated that on the date of the occurrence, both parties indulged in attacking each other. That was the reason for registration of the



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case and counter complaint after conducting the investigation. The offences in Crime No.176 of 2023 was altered to section 147, 294(b), 323 IPC r/w Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act. Final report was also filed before the Judicial Magistrate No.2, Sattur and posted for further proceedings. So when the final report is filed, there is no question of stating that counter complaint has been falsely registered.

10.With regard to the complaint/representation was made by the petitioner, on 10/07/2023 making allegation that the respondents 4 and 5 received Rs.50,000/- as bribe amount, Enquiry Officer was appointed. Enquiry is conducted by summoning the parties. During the course of enquiry, it was found that contradictory allegations were made by the petitioner. So the representation/complaint was closed by the competent authority namely the first respondent herein. Reading of the report establishes to the fact that without any basic reasons, this petition is filed making allegations against the police officials.

11.If the petitioner got any grievance over the counter complaint, she can work out her remedy before the concerned trial court itself.



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12.In the result, this writ petition is **dismissed**.

No costs.

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Index:Yes/No
Internet:Yes/No
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To,

- 1.The Inspector of Police,
Madurai South Zone,
Madurai.
- 2.The Deputy Superintendent of Police,
Sattur, Virudhunagar District.
- 3.The Inspector of Police,
Vembakottai Police Station,
Virudhunagar District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN, J

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