



W.P.(MD) No.26399 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 06.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE **K.K.RAMAKRISHNAN**

W.P.(MD) No.26399 of 2023

Minor M.Neha,

Represented by her natural guardian/mother

namely R.Rajeshwari.

...Petitioner

Vs.

1. The Superintendent of Police,
Virudhunagar District,
Virudhunagar.

2. The Inspector of Police,
Srivilliputhur Town Police Station,
Virudhunagar District.

3. Deivanai

4. Uma

5. Alagupandi

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the second respondent to conduct preliminary enquiry based on the petitioner's complaint, dated 12.10.2023 and 23.10.2023 and thereby take appropriate action against the private respondents within the time limit that may be stipulated by this Court.



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For Petitioner :Mr.K.Gurunathan
For R1 and R2 :Mr.R.M.Anbunithi
Additional Public Prosecutor (CrI. Side)

ORDER

This Writ Petition is filed to direct the second respondent to conduct preliminary enquiry based on the petitioner's complaint, dated 12.10.2023 and 23.10.2023 and thereby take appropriate action against the private respondents within the time limit that may be stipulated by this Court.

2. Mr.R.M.Anbunithi, learned Additional Public Prosecutor takes notice for the respondents No.1 and 2.

3.Heard both sides.

4. The learned counsel for the petitioner would submit that this petitioner is a daughter of one deceased K.Muthupandi. The deceased Muthupandi entered into the marriage with the petitioner's mother namely Rajeshwari in 2005. Out of their wedlock, the minor petitioner was born on 02.05.2006 and another daughter was born on 08.01.2010.



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Thereafter, some dispute arose between the mother of the petitioner and the deceased K.Muthupandi. So, H.M.O.P. No.140 of 2014 was filed by the deceased Muthupandi, seeking divorce, on the file of the learned Family Court, Srivilliputhur, against the petitioner's mother.

5. During pendency of the H.M.O.P proceedings, according to the learned counsel for the petitioner, in the interest of the petitioner's mother, she decided not to proceed with the divorce case. But however, the divorce was granted on 14.03.2017.

6. Further, according to the learned counsel for the petitioner, even before the divorce was granted, the petitioner's mother and the deceased Muthupandi were living together in the house of the deceased Muthupandi. When the deceased Muthupandi suffered from some disease, he was admitted in Vellammal Medical College and Research Centre, Madurai, on 18.08.2023 and the petitioner's mother took care of him in the hospital. Subsequently, he died on 08.09.2023. In the said circumstances, relatives of the deceased broke open the house of the petitioner's father namely the deceased Muthupandi and taken away the articles, which are placed inside his house. Thereafter, the petitioner



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made a complaint before the jurisdictional Police namely the second respondent. So, the second respondent conducted an enquiry and closed the complaint, directing the parties to approach the appropriate civil forum, since it is a nature of civil dispute. There is no action against the complaint given by the petitioner, hence, this Writ Petition is filed.

7. The learned Additional Public Prosecutor on instruction submitted that the Sub-Inspector of Police, attached to the second respondent Police Station, conducted the enquiry and closed the same on 05.11.2023.

8. This Court considered the rival submissions and also perused the records.

9. The petitioner is the daughter of one deceased Muthupandi. She has better right than any other relatives of the deceased Muthupandi. In the said circumstances, there is serious allegations made against the sister and relative of the deceased Muthupandi, who are said to have indulged in trespassed into the house and taken away the articles, which are placed inside the house of the deceased Muthupandi. The video footage



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furnished before this Court, is also clearly demonstrated the above offences. Hence, this Court is not inclined to accept the report submitted by the Sub-Inspector of Police, attached to the second respondent Police Station. It is surprising as per the report of the respondents Police that the fourth respondent did not take any articles from the occurrence place. The report submitted by the respondents Police are stand against the evidence produced by the petitioner. In the said circumstances, this Court is inclined to allow this Writ Petition on following directions;

(i) The first respondent is hereby directed to send the complaint given by the petitioner to the Inspector of Police, Krishnan Kovil Police Station, Virudhunagar District. On receipt of the above said complaint, the Inspector of Police, Krishnan Kovil Police Station, Virudhunagar District, is directed to register a case, conduct an enquiry and complete the same within a period of six months from the date of receipt of copy of this order.

(ii) It is open to the Inspector of Police, Krishnan Kovil Police Station, Virudhunagar District, to look into the allegations made against the relatives of the deceased Muthupandi and also verify the statements



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made by the petitioner's mother in her complaint that they are living together, even after the divorce granted by the competent Court.

10. In the result, this Writ Petition is allowed. No costs.

06.11.2023

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

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To

- 1.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
- 2.The Inspector of Police,
Srivilliputhur Town Police Station,
Virudhunagar District.
- 3.The Inspector of Police,
Krishnankovil Police Station,
Virudhunagar District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN, J

Indu

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