



WEB COPY



W.P.No.10050 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2024

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.10050 of 2024
and
W.M.P.No.11058 of 2024

Dhanalakshmi

...Petitioner

-Vs-

- 1.The State of Tamil Nadu Rep. by
The Principal Secretary,
The Labour Welfare and Skill Development Department,
Namakkal Kavignar Maaligaiss,
Fort St. George,
Chennai – 600 009.
- 2.The District Collector,
First Floor,
Collectorate Office,
Thiruvallur District,
Pin – 602 001.
- 3.The Deputy Inspector General of Police,
Crime Branch,
Deputy Inspector General of Police – CBCID Office,
No.24, Arasinar Thottam,
Chennai – 600 002.
- 4.The Superintendent of Police,
C4-Pennalurpet Police Station,
Tiruvallur – 600 022.



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5.The Inspector of Police,
C4-Pennalurpet Police Station,
Tiruvallur – 600 022.

6.Mr.E.Nagarajan,
The Sub-Inspector of Police,
C4-Pennalurpet Police Station,
Tiruvallur – 600 022.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus, directing the 3rd respondent to take over the investigation of the case in FIR No.104 of 2024 dated 01.03.2024 from the file of the 5th respondent police station, get the same investigated by a competent Officer as contemplated under Rule 7 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989, invoking provisions of law under IPC, Abolition of Bonded Labour System Act, 1976 and the SC/ST (Prevention of Atrocities) Act, 1989 and also direct the 4th respondent to take steps to get a case registered against the 6th respondent herein for the offence committed by him under Section 4 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act 1989, based on the complaint dated 08.03.2024 made by the petitioner, within the time frame fixed by this Court and pass such further orders.

For Petitioner : M/s.S.Sathia Chandran

For R1 to R5 : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)



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ORDER

Alleging that offence which attracts the Bonded Labour Act and SC/ST Act not been properly investigated by the 6th respondent, the present petition is filed for transfer of investigation.

2. Learned Government Advocate (Crl.Side) appearing for respondents 1 to 5 states that the complaint was given by one Dhanalakshmi alleging that she and her family are kept as Bonded Labourers in the rice mill of one Devaraj and pursuant to that, there was physical altercation between the parties. A FIR was filed at Pennalurpet Police Station, Tiruvallur. The said complaint is under investigation. A community certificate of the complainant and the accused persons has been sought for and further, whether there was any ingredient to attract Bonded Labour Act is available. If the investigation discloses that the provisions of Bonded Labour Act is attracted and the victim belongs to SC/ST Act, appropriate action will be taken and investigation will be done by the police authority as per the Act.



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3. Recording the same, the writ petition is disposed of and the investigation officer shall obtain the community certificate and expedite the investigation in accordance with law within a period of four months. No costs. Consequently, connected miscellaneous petition is closed.

12.04.2024

cda

Index : Yes/No

Speaking/Non Speaking order



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- 5.The Inspector of Police,
C4-Pennalurpet Police Station,
Tiruvallur – 600 022.
- 6.The Pubic Prosecutor,
High Court of Madras, Chennai.



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DR.G.JAYACHANDRAN,J.

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