



W.P(MD)No.18292 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.18292 of 2024

A.Valliammal

...Petitioner

Vs.

1.The Commissioner of Police,
Trichy City,
Trichy.

2.The Inspector of Police,
All Women Police Station,
Srirangam, Trichy District.

3.The Inspector of Police,
Thillainagar Police Station,
Trichy City, Trichy 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 1 to 3 herein to conduct proper fair just and legal enquiry pursuant to the CSR No.334 of 2023, on the file of the second respondent police and CSR No.280 of 2024, on the file of the third respondent police as expeditiously as possible.



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For Petitioner : Mr.V.R.Shanmuganathan

For Respondents : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

This Writ Petition has been filed seeking a direction to the respondents to conduct enquiry in CSR Nos.334 of 2023 and 280 of 2024, pending on the file of the respondent police.

2.The learned Counsel appearing for the petitioner submits that the petitioner has lodged the complaints before the respondent police in the year 2023 and in the month of June 2024 respectively, which have not been attended by the respondent police. He further submits that the petitioner is running a shop at Trichy and the same was locked by her husband, for which, she has lodged a complaint before the respondent police on 14.07.2024, for which, C.S.R.No.280 of 2024 was assigned. Yet another complaint was also lodged by the petitioner as against her husband in the month of October 2023 before the second respondent



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police station and the same was also treated as a petition enquiry in C.S.R.No.334 of 2023. However, both the complaints are kept pending without any progress.

3.It appears that it is not the case that the respondent police have not acted on the petitioner's complaints. They have in fact registered the petitioner's complaints in C.S.R.Nos.280 of 2024 and 334 of 2023. However, they have not conducted any enquiry on those complaints.

4.The power of investigation would arise only after registering a criminal case. However in certain offences like matrimonial dispute, the Hon'ble Supreme Court has held that the preliminary enquiry can be conducted by registering a case. That cannot be taken advantage by the respondent police in not registering a case on the complaints lodged in the month of October, 2023.

5.It is very unfortunate that the second respondent, who registered the petitioner's complaints in C.S.R.No.334 of 2023 on 04.10.2023 and keeping the same at the stage of enquiry for the past eleven months. Therefore, this Court directs the Deputy Superintendent of Police, Trichy



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City, to look into the nature of the complaint and take a call on the complaints of the petitioner.

6.With the above direction, this Writ Petition is disposed of. No costs.

02.08.2024

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

LR

To

1.The Commissioner of Police,
Trichy City,
Trichy.

2.The Inspector of Police,
All Women Police Station,
Srirangam, Trichy District.

3.The Inspector of Police,
Thillainagar Police Station,
Trichy City, Trichy District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

LR

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