



W.P.(MD)No.28029 of 2024

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 25.11.2024

CORAM :

**THE HONOURABLE MR.JUSTICE M. NIRMAL KUMAR**

W.P.(MD)No.28029 of 2024

Swathi

...Petitioner

Vs.

The State of Tamil Nadu Rep. by

1. The Principal Secretary  
Home, Prohibition and Excise Department  
Fort St. George, State Secretariat  
Chennai.
2. The Director General of Police  
Office of the Director General of Police  
No.601, Radhakrishnan Salai  
Mylapore, Chennai
3. The Superintendent of Police  
Office of the Superintendent of Police  
Thanjavur District
4. The Deputy Superintendent of Police  
Office of the Deputy Superintendent of Police  
Thiruvidaimaruthur, Thajavur District
5. The Inspector of Police  
Nachiyarkovil Police Station  
Thanjavur District



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6. The Inspector of Police  
Thiruvudaimaruthur Police Station  
Thanjavur District

7. Vikey @ Vignesh  
Special Team  
Deputy Superintendent of Police  
Thiruvudaimaruthur, Thanjavur District

8. Riyas  
Special Team  
Deputy Superintendent of Police  
Thiruvudaimaruthur, Thanjavur 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 7 to 8 for not to harass petitioner's husband and petitioner's family members based on petitioner's representation dated 26.07.2024 and 26.10.2024 and protect the life of petitioner's husband from fake encounter in the hands.

For Petitioner : Dr.R. Alagumani

For Respondents : Mr.A.Thiruvadikumar  
No.1 to 6 Additional Public Prosecutor

### **ORDER**

The Writ Petition has been filed to direct the respondents 7 to 8 to not to harass petitioner's husband and petitioner's family members based



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on petitioner's representation dated 26.07.2024 and 26.10.2024 and protect the life of petitioner's husband from fake encounter.

2. The petitioner wife of Gurumoorthi has sent a representation dated 26.10.2024 to various authorities including the respondents herein. The primary contention of the petitioner is that the marriage between the petitioner and her husband was solemnized on 01.02.2024 and they were blessed with the child on 07.10.2024. This being so, the fifth respondent registered a case against her husband in Crime No. 60 of 2022 for the offences under Sections 147,148,294(b), 302,307 r/w.34, 109 of IPC and the same was taken on file in S.C. No.216 of 2022 and pending before the learned Additional District Judge, Kumbakonam. Due to ill health the husband of the petitioner was unable to appear before the trial Court and hence Non Bailable Warrant was issued against him. On 23.07.2024 when the husband of the petitioner went to the Court for recalling the warrant the respondents 7 and 8 along with other police officials surrounded him and with the aid of his advocate he was guarded and later at 10.00 pm., he came out. In the meanwhile the husband of the petitioner was taken into custody in Crime Numbers 585 of 2024 and



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616 of 2024 for various offences including Arms Act. On 08.08.2024 when the husband of the petitioner was not at home the respondents 7 and 8 illegally trespassed into her mother-in-law's house and threatened her they would encounter her son. Hence on 26.07.2024 she had sent a representation to the respondents 1 to 4 and to other higher officials to prevent harassment from the hands of the respondents 7 and 8 and also to protect police protection to her and her family members. Hence filed the present petition.

3. The learned Additional Public Prosecutor would submit that by his own admission the petitioner submitted that her husband is involved in cases of grievous offences and he is also involved in a murder case which is pending against him, He is also involved in an arms act case in Crime No.616 of 2024. Apart from this the husband of the petitioner also involved in a case in Crime No.735 of 2024 for the offence under Section 307 of IPC. In this case the victim is one Vishal. Further in Crime No. 517 of 2024 on the file of the Thiruneelakudi Police Station the victim is one Saranraj. Hence in search of him the respondent police had gone there to find him which cannot be termed as harassment.



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4. Considering the facts and circumstances of the case and also on perusal of the materials it is seen that the husband of the petitioner is involved in cases in crime Nos.585 of 2024 and 616 of 2024 and presently he is also involved in a case in Crime No. 735 of 2024, the respondent police had gone there in search of him which cannot be termed as harassment.

5. In view of the same, nothing survives for further adjudication in the petition and the petition is liable to be dismissed.

6. According the Writ Petition stands dismissed. No cost.

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NCC :Yes/No  
Index :Yes/No  
Internet : Yes/ No  
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6. The Inspector of Police  
Thiruvidadaimaruthur Police Station  
Thanjavur District
7. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.



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**M. NIRMAL KUMAR, J**

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