



W.P.No.6929 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 27.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.No.6929 of 2025

RATHI

... Petitioner

Vs

1. THE PRESIDENT,
TAMIL NADU STATE WOMEN COMMISSION,
KALSS MAHAL,
1ST FLOOR,
CHEPAUK, CHENNAI-600 005.
2. THE COMMISSIONER OF POLICE,
GREATER CHENNAI CITY POLICE,
VEPERY, CHENNAI-07.
3. K.KUMAR

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the first respondent herein to investigate into the complaint dated 13.08.2024 filed by the petitioner herein by engaging or appointing some special investigating agencies in the State or its own agency and get the report from the said investigation agency and consequently take appropriate action on the basis of the report that may be given by the said agency in a time frame against the third respondent herein.



WEB COPY



W.P.No.6929 of 2025

For Petitioner : Mr.R.Venmani
For R1 : Mr.S.Senthil Murugan
Special Government Pleader
For R2 : Dr.C.E.Pratap
Government Advocate (Crl.Side)

ORDER

This writ petition is filed to direct the first respondent to investigate the complaint dated 13.08.2024 filed by the petitioner by engaging or appointing some special investigating agencies in the State or its own agency and get the report from the said investigation agency and consequently take appropriate action on the basis of the report that may be given by the said agency in a time frame against the third respondent.

2. A perusal of the affidavit filed in support of the writ petition and upon hearing the learned counsel for the writ petitioner, it can be seen that the petitioner herein is an accused in Cr.No. 233 of 2023. It is alleged that the petitioner indulged in sweet talking with the victim in the case under the guise of marketing, leading the victim to suffer a loss. It is further seen that the case has been investigated, a final report has been filed and the matter is

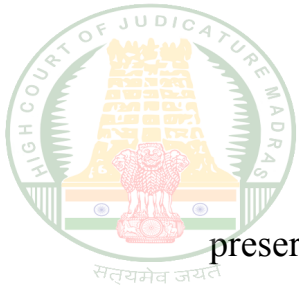


W.P.No.6929 of 2025

pending trial in C.C.No.1577 of 2024 on the file of Sub Court, CBCID,
Egmore.

3. In that view of the matter, the petitioner claims that she is, in fact, the victim. The defacto complaint in this case allegedly tried to exploit the petitioner. When sexual advances were made and the petitioner resisted, a false complaint was filed. According to the petitioner, numerous WhatsApp chats and messages sent by the defacto complainant would prove her case. Therefore, the petitioner has made a complaint to the Women's Commission and she is now approaching this Court.

4. The Women's Commission is, *per se*, for the help of victims. Since the petitioner is currently an accused, all the averments made in the affidavit filed in support of the application are in the form of her defence in the criminal case. In the first place, the petitioner has to establish the defence before the trial Court. Only if the Trial Court accepts the said defence, thereafter only, the petitioner can claim the further reliefs. As a matter of fact, if the petitioner needs any of the documents or the message etc., to be



W.P.No.6929 of 2025

preserved, the petitioner has the liberty to approach the Trial Court to request the preservation of such evidence in support of the defence. The petitioner has to make such an application. The present prayer, directing the Women's Commission to conduct a parallel investigation through some other agency in respect of the same occurrence, cannot be countenanced.

5. Accordingly, the writ petition stands dismissed. No costs.

27.02.2025

Neutral Citation: Yes/No
nsl

To

1. THE PRESIDENT,
TAMIL NADU STATE WOMEN COMMISSION,
KALSS MAHAL,
1ST FLOOR,
CHEPAUK, CHENNAI-600 005.
2. THE COMMISSIONER OF POLICE,
GREATER CHENNAI CITY POLICE,
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W.P.No.6929 of 2025

D.BHARATHA CHAKRAVARTHY, J.

nsI

W.P.No.6929 of 2025

27.02.2025