

HCP(MD)No.1856 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 15.11.2022

CORAM

**THE HON'BLE MR JUSTICE M.S.RAMESH
AND
THE HON'BLE MR JUSTICE N. ANAND VENKATESH**

H.C.P.(MD)No.1856 of 2022

Rajamani

.. Petitioner/Sister of the
Detenue

Vs.

1. The Inspector General of Police(South Zone)
Office of Inspector General of Police,
Reserve Line, Race Course Colony,
New Natham Road,
Madurai-625 002.
2. The Superintendent of Police,
Office of Superintendent of Police,
Surveyor Colony,
Madurai District-625 007.
3. The Deputy Superintendent of Police,
Omachikulam Sub Division,
Madurai District.
4. The Inspector of Police,
Chatrapatti Police station,
Madurai District.
(Crime No.107 of 2022)



HCP(MD)No.1856 of 2022

5. The Director
Patrick Isaac Home of Hope for Women and Children,
Sringerinagar,
By pass Road, Madurai,
Madurai-625 010.

6. Mrs. Malaiyarasi,
The Inspector of Police,
All Women Police Station,
Omachikulam,
Y.Othakadai,
Madurai District.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, directing the respondents to produce the person or body of the petitioner's younger sister namely Dhanam @ Dhanapandi, daughter of Madhurapandi aged about 38 years before this Court and set her at liberty.

For Petitioner : Mr. R. Karunanidhi
For R1 to R4 : Mr. A. Thiruvadikumar,
Additional Public Prosecutor

ORDER

(Order of the Court was made by **N. ANAND VENKATESH, J.**)

When the Habeas Corpus Petition was taken up for hearing on 08.11.2022, this Court passed the following order:

“This Habeas Corpus Petition was filed by the sister of the detinue to produce her own sister viz., Dhanam



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HCP(MD)No.1856 of 2022

@Dhanapandi and to set her at liberty.

2. When the matter was taken up, the learned Additional Public Prosecutor submitted that the detenue is produced before the Court today.

3. We enquired the detenue and she stated that she is willing to go along with the petitioner. Recording her submission, the detenue is permitted to go along with the petitioner.

4. The learned counsel for the petitioner brought to our notice certain disturbing factors in this case. The detenue seems to be a victim of rape that is said to have been committed by some unknown persons on 05.10.2022. Immediately after the incident, the detenue is said to have approached Chatrapatti Police Station. From there, she was directed to approach Natham Police Station. When the detenue went to the Natham Police Station, no efforts were made to register the case and she was directed to approach the Sanarpatti All Women Police Station. At that point of time, some discussion was held by the village elders with the police suggesting some compromise and to close the case. Not satisfied with the attitude of the police, the detenue seems to have approached the District Collector, Madurai and she was directed to approach the Deputy Inspector General of Police, Madurai. Thereafter, a written complaint was given to the Inspector General of Police(South Zone)and only on his intervention, FIR ultimately came to be



WEB COPY



HCP(MD)No.1856 of 2022

registered on 29.10.2022 before the fourth respondent.

5. The learned counsel for the petitioner submitted that in spite of the detenu knocking the doors of different police stations alleging that she was raped, she has treated very badly and no case was registered and due to delay, the identity of the accused will also become an issue. The learned counsel, therefore, requested this Court to monitor this matter and ensure that the justice is rendered to the rape victim.

6. The learned Additional Public Prosecutor seeks for time to take instructions in this case. If the allegation made by the learned counsel for the petitioner is true, it requires serious consideration by this Court since it has been repeatedly held by the Hon'ble Apex Court and this Court that in rape cases, even if the police station does not have the jurisdiction, it has to be immediately forwarded to the police station having jurisdiction and the investigation has to be commenced at the earliest point of time. In this case, even for the FIR to get registered, it has taken nearly 24 days.

7. In view of the above, we direct the second respondent to file a status report before this Court and explain all the allegations that have been made by the victim before us.

8. Post this Habeas Corpus Petition for hearing on 15.11.2022.



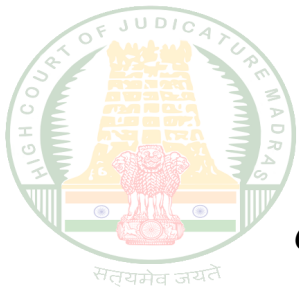
HCP(MD)No.1856 of 2022

2. We directed the learned Additional Public Prosecutor to take instructions and to file a status report.

3. When the matter was taken up for hearing today, the Superintendent of Police, Madurai District, has filed a status report. For proper appreciation, the relevant portions in the status report are extracted hereunder:

“3. It is submitted that victim Dhanam @ Dhanapandi, D/o Marudhupandi, aged about 38 years preferred an oral complaint at M.Chathirapatti police station on 05.10.2022 at around 0830 hrs., In which she has stated that she was subjected to sexual molestation and robbed of her 2 sovereigns gold chain by an identifiable unknown person, who convinced her to get into his car at Vilampatti junction bus stop by telling that he was very well known to her cousin brother Soundarapandi. HC 636 Sankar Selvan who received her oral complaint, instead of immediately registering FIR asked the victim to wait till the arrival of the Sub-Inspector. After waiting for some time the victim left the station without informing anyone.

4. It is respectfully submitted that the above lapse by the police personnel at M.Chathirapatti police station was viewed seriously and a departmental enquiry is being conducted by Additional Superintendent of Police, Crime Against Women and



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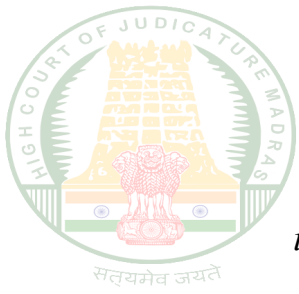
HCP(MD)No.1856 of 2022

Children, Madurai District to find out the police personnel who were behind this grave dereliction of duty. Additional Superintendent of Police, Crime Against Women and Children, has been nominated as enquiry officer vide C.No. 242/Camp/DIG-MR/2022 dated 08.11.2022 of Deputy Inspector General of Police, Madurai Range based on memo issued by Inspector General of Police, South Zone, Madurai vide C.No. 50-407/Special Watch/SB/IGP-SZ/2022 dated 07.11.2022 and once the enquiry report is received proper departmental action will be initiated against the erring police officers/personnel.

5. It is submitted that it has come to notice that the victim had approached Natham police station on the same date and Sanarpatti AWPS on 06.10.2022, requesting to take action on the same matter. Since both the stations come under Dindigul district police I am not aware of what happened at these police stations.

6. It is also submitted that on 22.10.2022 victim approached the Deputy Inspector General of Police, Madurai Range and preferred a written complaint requesting to take action and render justice. Immediately DIG, Madurai Range forwarded the petition to Inspector of Police, Oomachikulam Circle for taking necessary legal action.

7. It is humbly submitted that on 26.10.2022 Inspector of Police Oomachikulam Circle asked the victim to attend the enquiry with regard to the petition submitted before the Deputy Inspector General of Police, Madurai Range. A CSR was issued



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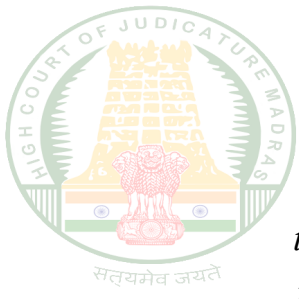


HCP(MD)No.1856 of 2022

in M.Chathirapatti PS CSR No.226/22 dated 26.10.2022 and enquiry was initiated. Since the victim could not provide phone number of any of her relatives and considering the threat to her life which she expressed and also taking into consideration her vulnerable situation, assistance of One Stop Centre was sought and as directed by them, Inspector of Police AWPS, Oomachikulam got her admitted at Patrick Isaac Home of Hope for Women and Children, Sringerinagar at around 3.30 AM on 27.10.2022.

8. It is further submitted that based on the enquiry that was conducted at M.Chathirapatti police station in CSR No. 226/22, FIR was registered in M.Chathirapatti PS in Cr.No. 107/22 u/s 294(b), 341, 323, 365, 376, 342, 109, 506(ii) IPC on 29.10.2022 and Inspector of Police, Oomachikulam AWPS took up the case as investigation officer. The victim was immediately sent for medical examination. The delay of 24 days in registration of FIR from 05.10.2022 to 29.10.2022 is also being enquired by the Additional Superintendent of Police, Crime Against Women and Children and departmental action will be taken against the erring police officers/personnel, once the enquiry report is received.

9. It is submitted that the investigation officer in this case has been changed from AWPS Qomachikulam Inspector to DSP, Peraiyur sub division vide C.No.C1/06267/69/2022 dated 12.11.2022 by Superintendent of Police, Madurai District so that



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HCP(MD)No.1856 of 2022

the allegations made by the victim against the police officers of M.Chathirapatti police station and Oomachikulam sub division can be looked into thoroughly and the victim can also be reassured that the investigation will be done in a free and fair manner without any bias.”

4.Considering the seriousness of the allegations made, the learned Additional Public Prosecutor also brought to our notice the video clippings of the CCTV footage at Chatrapatti Police Station and in Natham Police Station. The learned Additional Public Prosecutor submitted that the Officer in the rank of Deputy Superintendent of Police, has now been given charge of the investigation and the case will be investigated and final report will be filed as expeditiously as possible.

5.In the considered view of this Court, the main relief that was sought for in the Habeas Corpus Petition was already granted even during the previous hearing. However, this Court had to expand the scope of the petition considering the seriousness of the allegations that were made by the victim girl. Considering the status report filed by the Superintendent of Police, Madurai District and also after recording the submission of the



HCP(MD)No.1856 of 2022

learned Additional Public Prosecutor, we do not want to go into the merits of this case and there shall be a direction to the Deputy Superintendent of Police, Peraiyur Sub Division, Madurai, to investigate this case from all angles and to file a final report within a period of three months from the date of receipt of a copy of this order.

6.This Habeas Corpus Petition is disposed of accordingly.

(M.S.R.,J.) (N.A.V.,J.)
15.11.2022

Index : Yes/No
Internet : Yes

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To

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HCP(MD)No.1856 of 2022

M.S.RAMESH,J.
and
N. ANAND VENKATESH,J.
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4. The Inspector of Police,
Chatrapatti Police station,
Madurai District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
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