



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Twentieth day of April Two Thousand and Sixteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL MP(MD) No.1268 of 2016

IN

CRL OP(MD) No.23150 of 2015

K.MALLIGA BEGAM

... PETITIONER

Vs

1 MR.VIJAYENDRA BIDARI I.P.S
THE SUPERINTENDENT OF POLICE,
MADURAI DISTRICT

2 MRS.K.SENTHIL KUMARI
THE SUB DIVISION MAGISTRATE CUM REVENUE
DIVISIONAL OFFICER, MADURAI

3 MUTHU
THE INSPECTOR OF POLICE, MELUR POLICE STATION,
MELUR,MADURAI DISTRICT

... RESPONDENTS

Criminal Miscellaneous Petition filed under section 340 r/w.482 of Cr.P.C. praying that in the circumstances stated therein and in the affidavit filed therewith. The High Court will be pleased to punish the respondents herein for offence of perjury.

Order : This petition coming on for hearing on this day upon perusing the petition and the affidavit filed in support thereof on the file of the High Court and upon hearing the arguments of M/S.RM.ARUN SWAMINATHAN, Advocate for the petitioner and Ms.S.PRABHA, Government Advocate on behalf of the Respondents and the court made the following order:-

One Saima, W/o.Jahir Hussain committed suicide on 05.06.2011. On the complaint lodged by Mallika Begum, who is the mother of the deceased Saima, the respondent police registered a case in Crime No.375 of 2011 on 05.06.2011 under Section 174 Cr.P.C., which was later altered to one under Section 304(B) IPC, since the deceased died within 7 years of marriage. Mallika Begum filed Crl.O.P.(MD) No.23150 of 2015 for transferring the investigation in Crime No.375/2011 to the file of the CBCID. When the petition came up for hearing on 08.12.2015, this Court passed the following order:

"6.At that time, the Government Advocate (Criminal side) submitted that even though charge sheet has been filed, the case is yet to be taken on file.

7.It is very sad state of affair that despite the charge sheet is said to have been filed as early as 05.04.2012, not only an FIR has been moved on this issue, though the Revenue Divisional Officer has categorically stated that the girl has committed suicide on account of dowry harassment, based on



the enquiry conducted in and around the spot.

8. Taking note of the arguments of both parties, this Court finds no reason to grant the relief as stated above, as final report has already been filed before the Judicial Magistrate, Melur. However, the Judicial Magistrate, Melur is directed to take up the matter and decide the same in accordance with law as expeditiously as possible. In the event of final report being taken on file, the trial Court is directed to conduct the case on day today basis and the case shall not be adjourned beyond five working days at any point of time."

2. When Mallika Begum approached the trial Court, she was informed that the police have not filed the final report and hence, she has come up with this petition for taking appropriate action for perjury against the respondent police.

3. On 18.04.2016, when the matter came up for hearing, this Court directed the Inspector of Police, Melur Police Station to be present.

4. Today, Mr. Muthu, Inspector of Police, Melur Police Station, is present and he has filed an affidavit, wherein in Paragraph Nos. 5 and 6, it is stated as follows:

"5. It is most respectfully submitted that in this juncture the petitioner herein filed direction petition in Crl.O.P.No.23150 of 2015 for seeking transfer of investigation and in this criminal original the respondent police submitted that the investigation of this case was already completed and final report also filed before the concerned authority and the same was recorded by this Hon'ble Court and the direction was disposed off. But unfortunately in the same time, the final report filed by the investigation officer was returned orally by the learned Judicial Magistrate, Melur for want final report from the Revenue Divisional Officer, Melur.

6. It is most respectfully submitted that now the respondent police again take all the sincere efforts and get the final report from the Revenue Divisional Officer, Melur and submitted the final report before the learned Judicial Magistrate, Melur and the same was numbered in P.R.C.No.06 of 2016 dated 29.01.2016."

5. In view of the fact that the final report has been filed and has been taken on file in PRC No.06 of 2016, this petition is closed. On the appearance of all the accused, the Judicial Magistrate, Melur, is directed to expeditiously complete the committal proceedings.

Sd/-

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar



TO

1. THE JUDICIAL MAGISTRATE, MELUR

2. VIJAYENDRA BIDARI I.P.S

THE SUPERINTENDENT OF POLICE, MADURAI DISTRICT

3. MRS.K.SENTHIL KUMARI

THE SUB DIVISION MAGISTRATE CUM REVENUE
DIVISIONAL OFFICER, MADURAI

4. MUTHU

THE INSPECTOR OF POLICE, MELUR POLICE STATION, MELUR,
MADURAI DISTRICT

5. THE ADDITIONAL PUBLIC PROSECUTOR,

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER DATE :20/04/2016

ORDER

CRL MP(MD) No.1268 of 2016

IN

CRL OP(MD) No.23150 of 2015

Closing the Miscellaneous
Petition and giving directions
etc. as stated within.

SH/AAL-MPA/AR-I:02.05.2016:3P/6C