



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.10.2016

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THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

Crl.O.P.(MD) No.19441 of 2016

A.Syed Fathima

.. Petitioner

-Vs-

State represented by

1.The Superintendent of Police,
Madurai District,
Alagar Kovil Road,
Surveyor Colony,
Madurai-7.

2.The Inspector of Police,
All Women Police Station,
Thirupparankundram,
Madurai District.

In Crime No.57 of 2014.

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the respondents to reopen the case pertaining to Crime No.57 of 2014 registered on the file of the second respondent and file a report after thorough investigation on the basis of the complaint made by the petitioner.

For Petitioner : Mr.R.Aravindan

For Respondents : Mr.K.Anbarasan

Govt. Advocate (Crl.Side)

O R D E R

This Criminal Original Petition is filed seeking a direction to the respondents to reopen the case in Cr.No.57 of 2014 registered on the file of the second respondent.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondents.

3. The learned Counsel for the petitioner would submit that the petitioner lodged a complaint against her husband and in-laws, which was registered by the second respondent in Cr.No.57 of 2014. While the investigation was pending, her husband with an ulterior motive, arranged for a compromise and also obtained her signature in a blank paper and thereafter she came to know that the complaint was closed.



4. It is further submitted that the petitioner sent a representation to the respondents dated 26.05.2016 for re-investigation of the case. Since no action was taken, she has come with up with this petition.

5. The learned Government Advocate (Crl.Side) would submit that the petitioner can very well file necessary application before the concerned Judicial Magistrate for re-investigation and this petition is not maintainable. He would also submit that the second respondent comes under jurisdiction of the Commissioner of Police, Madurai City and the first respondent has no jurisdiction to investigate the complaint given by the petitioner dated 26.05.2016.

6. However, considering the facts and circumstances of the case and without going into the merits of the case, the petitioner is permitted to give a fresh complaint to the Commissioner of Police, Madurai City and if any such complaint is given, the Commissioner of Police, Madurai City shall take action on merits and in accordance with law.

7. With the above directions, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To:

1.The Superintendent of Police,
Madurai District,
Alagar Kovil Road,
Surveyor Colony,
Madurai-7.

2.The Inspector of Police,
All Women Police Station,
Thirupparankundram,
Madurai District.

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

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