



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2017

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE **P.N.PRAKASH**

Crl.O.P.(MD)No.22534 of 2016

and

Crl.M.P.(MD)Nos.11754/2016 and 1535/2017

Rajeshwari : Petitioner/Defacto complainant

Vs.

The State through its
Inspector of Police,
Thilagarthidal Police Station,
Madurai.
(In Cr.No.316/2010).

: Respondent/Complainant

Prayer : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure praying to direct the respondent to further investigate the crime pending trial in C.C.No.477 of 2011 pending before the learned Judicial Magistrate No.II, Madurai, in Crime No.316 of 2010 on the file of the respondent.

For Petitioner : Mr.S.Krishnan
For Respondent : Mr.A.P.Balasubramani,
Government Advocate (Crl.side)

O R D E R

P.Chandirasekar, Special Sub-Inspector of Police, C4 Thilagar Thidal Police Station, Madurai, is present.

2. On the complaint lodged by the petitioner, the respondent police has registered a case in Crime No.316 of 2010 and after completion of investigation, has filed a final report in C.C.No.477 of 2011 before the learned Judicial Magistrate No.II, Madurai, against one Rasu Pillai for offences under Sections 324 and 294(b) of the Indian Penal Code. Now, when the case is ripe for trial, the defacto complainant has filed the present petition on 17.11.2016 for further investigation on the ground that the investigation conducted by the police has been perfunctory.

3. Heard Mr.S.Krishnan, learned counsel for the petitioner and Mr.A.P.Balasubramani, learned Government Advocate (Criminal side) appearing for the respondent.



4. On a reading of the First Information Report, it is seen that an incident had taken place on 12.02.2010, in which, the petitioner has alleged that the accused Rasu Pillai took out a trident during the temple festival and caused injury to the upper part of her eye. Therefore, on the complaint given by Rajeshwari, the respondent police registered the case as stated above. On a reading of the final report, the same allegation is found therein and Rajeshwari has been included as L.W.1. That apart, Dr.Lakshmi Narayanan, who treated Rajeshwari, has been cited as L.W.8. Thus, this Court does not find any infirmity in the charge sheet that has been filed by the police warranting further investigation.

5. Mr.S.Krishnan, learned counsel for the petitioner submitted that the provisions of the Tamil Nadu Women Harassment Act would apply as the said incident is said to have taken place in a public place. This Court is of the view that the entire incident has taken place in a scuffle between the petitioner's party and the opposite party with regard to the right to celebrate the temple festival. In the facts and circumstances of the case at hand, there is no material to include the offences under the Tamil Nadu Women Harassment Act. However, it is always open to the Trial Court to alter the charges under Section 216 of the Code of Criminal Procedure at any time of the trial. Therefore, this is not a fit case to order further investigation. Accordingly, this petition is devoid of merits and the same is dismissed accordingly. However, the Trial Court is directed to complete the trial in C.C.No.477 of 2011, within a period of six months from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(C.O)

/True copy/

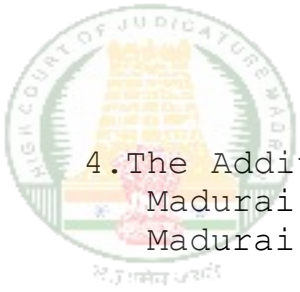
Sub Assistant Registrar

To

1.The Judicial Magistrate No.II,
Madurai.

2.-do-Thro' The Chief Judicial Magistrate,
Madurai.

<https://hccourtservice.org/>
3.The Inspector of Police,
Thilagarthidal Police Station,
Madurai.



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

+1cc to M/S.S.KRISHNAN, Advocate SR.No. 14217

Order made in
Cr1.O.P. (MD) No.22534 of 2016

JM/MR/24.03.2017/3P/6C