



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 06.02.2018

Delivered on : 09.02.2018

CORAM

THE HONOURABLE MR. JUSTICE R.PONGIAPPAN

Crl.O.P.(MD)No.1747 of 2013

and

M.P.(MD)No.1 of 2013

1.K.Pandimmal,
W/o.Karuppiah,
The Sub-Inspector of Police,
All Women Police Station,
Melur Police Station,
Madurai District.

2.V.Suthanthiradevi,
W/o.Vijayanand,
The Sub-Inspector of Police,
All Women Police Station,
Melur Police Station,
Madurai District.

... Petitioners/Respondent Nos.3 and 4

Vs.

M.Vaiyapuri @ Sivaji

... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the private complaint in C.C.No.54 of 2012 pending before the Judicial Magistrate Court, Melur, Madurai District and quash the same as illegal.

For Petitioners	:	Mr.T.Lajapathi Roy
For Respondent	:	Mr.S.Sukumar

ORDER

The petitioners herein are the respondents 3 and 4 in C.C.No.54 of 2012 pending on the file of the Judicial Magistrate Court, Melur, Madurai District. The said case was instituted by the respondent by way of private complaint for punishing the petitioners and other two accused persons for the offences under Sections 161, 166, 193, 201, 341 and 342 IPC.

[https://hcservices.courts.gov.in/hcservices/](https://hcservices.courts.gov.in/hcservices/courtsgovin/hcservices/)
2. As per the order, the petitioners herein are working as Sub-Inspectors of Police attached with All Women Police Station, Melur, Madurai District. In the complaint, the respondent alleged that in



connection with Crime No.15 of 2011, pending on the file of All Women Police Station, Melur, the first petitioner being the Sub-Inspector of Police, on 07.10.2011, arrested the respondent along with his relative Paramesh Kannan and one Meenakshi. After arresting the abovesaid persons, on the same day, i.e., on 07.10.2011, the first petitioner remanded the respondent and Paramesh Kannan, but she has not produced the said Meenakshi before the concerned Magistrate and she freed from the custody due to her illness. Further, the respondent/complainant made an allegation against the petitioners that only in order to restrain the said Meenakshi from contesting the Election, they detained her unlawfully from 07.10.2011 to 13.10.2011, due to which, the said Meenakshi suffered a lot.

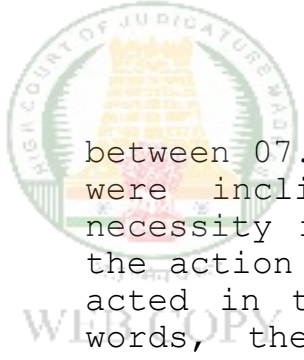
3.The respondent herein made allegations against the petitioners herein as above.

4.Now, the learned counsel representing the petitioners submitted that the first petitioner being the Sub-Inspector of Police is having every right to let in the accused on bail. Further, he added that with regard to the allegation levelled by the respondent as only due to sufferings of the said Meenakshi, she was let off free from the hands of the police only to save her life. In this regard, in order to take vengeance, the respondent herein lodged a complaint before the learned Judicial Magistrate, Melur only with an ulterior motive, which is nothing but abuse of process of law.

5.On the other hand, the learned counsel appearing for the respondent submitted that there is no necessity for the first petitioner herein to let in free the said Meenakshi. Even though the said Meenakshi was suffering from illness, the first petitioner, being the Investigating Officer, is having the duty to send a requisition to the concerned Magistrate for coming to the Hospital, in which, the said Meenakshi was taking treatment. In this case, only for illegal gratification, the first petitioner herein not doing her duty as per the procedure laid in the Cr.P.C.

6.I have heard the learned counsel appearing for the parties and perused the materials available on record.

7.Considering the submissions made by the counsel on either side revealed that on 13.10.2011, the said Meenakshi was produced before the Judicial Magistrate Court, Melur and the learned Magistrate refused to remand her for the reasons that she was not produced before him within 24 hours stipulated in the Cr.P.C. But, in this case, a perusal of the treatment particulars with regard to the said Meenakshi, issued by Dr.G.Selvarani, Asst. Professor in Medicine, Govt. Rajaji Hospital, Madurai Medical College, Madurai, clearly show that the said Meenakshi is only getting treatment



between 07.10.2011 and 13.10.2011. If really the petitioners herein were inclined to receive illegal gratification, there was no necessity for them to give treatment for the said individual. So, the action on the part of the petitioners herein shows that they are acted in this issue is only with bona fide intention. In other words, the circumstances in and around the allegations clearly reveal that the petitioners herein are not having any dishonest intention. Therefore, lodging of private complaint before the Court for the bona fide action, is nothing but abuse of process of law. Accordingly, this Court comes to the conclusion that the case against the petitioners filed by the respondent, is unwarranted. Therefore, the proceedings in C.C.No.54 of 2012 pending on the file of the Judicial Magistrate Court, Melur, Madurai District, insofar as the petitioners are concerned, are liable to be quashed. Accordingly, the proceedings in C.C.No.54 of 2012 pending on the file of the Judicial Magistrate Court, Melur, Madurai District, stands quashed in respect of the petitioners alone.

8.In the result, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

The Judicial Magistrate,
Melur,
Madurai District.

+1cc to M/S.S.Sukumar, Advocate SR.No. 48140

Crl.O.P. (MD)No.1747 of 2013
09.02.2018

smn2
JM/GT/SAR 1/20.02.2018/3P/3C