



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.12.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P. (MD) No.14425 of 2020

and

Crl.MP (MD) No.6754 of 2020

WEB COPY

Mani :Petitioner/Defacto Complainant
Vs.

1.The Superintendent of Police,
District Police Office,
Madurai District.

2.The Deputy Superintendent of Police,
Thirumangalam Sub -Division,
Madurai District.

3.The Sub-Inspector of Police,
Thirumangalam Town Police Station,
Madurai District. :Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to set aside the charge sheet filed by the 3rd respondent in CC No.11 of 2019 on the file of the learned Judicial Magistrate, Thirumangalam, Madurai District and further direct the 2nd respondent herein to further investigate the case in Crime No.73 of 2018 on the file of the 3rd respondent and file a charge sheet afresh.

For Petitioner : Mr.M.Maran

For Respondents : Mr.V.Neelakandan

Additional Public Prosecutor

ORDER

This petition has been filed to set aside the charge sheet filed by the 3rd respondent in CC No.11 of 2019 on the file of the learned Judicial Magistrate, Thirumangalam, Madurai District and to direct the 2nd respondent herein to further investigate the case in Crime No.73 of 2018 on the file of the 3rd respondent and file a charge sheet afresh.

2.The learned counsel for the petitioner would state that on 07.02.2018, around 07.00, when the petitioner was leaving his house for work, the accused persons namely, Vairan and his son Soundarapandi abused the petitioner in filthy language using caste name and when the petitioner questioned the same, the said Soundarapandi snatched the cycle pump from the petitioner's hand and



attacked him with the same. When the petitioner's wife and son tried to secure the petitioner, they were also attacked by the accused persons along with one Chitra, wife of the 1st accused and she also pushed the daughter-in-law of the petitioner who is a pregnant lady and due to the above brutal attack, the petitioner, his wife and son sustained grievous injuries and took treatment in Government Hospital. The daughter-in-law of the petitioner was admitted in Government Rajaji Hospital, Madurai, due to pain and on 14.02.2018, she pre-delivered two children. The petitioner lodged a complaint before the 3rd respondent/police and it is the contention of the petitioner that the 3rd respondent/police colluding with the accused persons threatened the petitioner to write the complaint which was dictated by the 3rd respondent/police and only based on the same, FIR in Crime No.73 of 2018 was registered against the accused persons and the 3rd respondent also after receiving complaint from the 1st petitioner, registered a counter case in Crime No.74 of 2018 against the petitioner and his family members with false allegations. Thereafter, the petitioner's wife sent a detailed complaint to the higher authority on 05.03.2018 narrating the real facts including the illegal act of the 3rd respondent/police and the daughter-in-law of the petitioner also sent a complaint to the 1st respondent on 13.04.2018, but no action was taken. Hence, this petition.

3.The learned Additional Public Prosecutor(Crl.Side) appearing for the respondents, on instructions, would state that the charge sheet has been filed before the Judicial Magistrate Court, Thirumangalam in CC No. 11 of 2019. In this case, totally there are 10 witnesses and the case has been posted to 10.12.2020 for hearing.

4.Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor.

5.Considering the facts and circumstances of the case, if at all the petitioner is aggrieved that no proper investigation was done on his complaint, he is always at liberty to file application under Section 173(8) before the learned Judicial Magistrate concerned seeking further investigation.

6.With the above observations, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

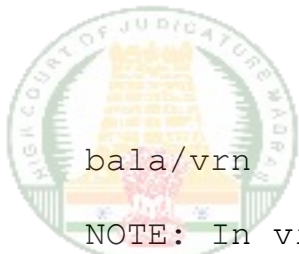
Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



bala/vrn

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Judicial Magistrate,
Thirumangalam, Madurai.
- 2.The Superintendent of Police,
District Police Office,
Madurai District.
- 3.The Deputy Superintendent of Police,
Thirumangalam Sub -Division,
Madurai District.
- 4.The Sub-Inspector of Police,
Thirumangalam Town Police Station,
Madurai District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER MADE IN
Crl.O.P.(MD)No.14425 of 2020
DATED : 10.12.2020

VB (19.01.2021) 3P 6C