



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.12.2020

CORAM:

WEB COPY

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

Crl.O.P.(MD)No.15569 of 2020

S.Saranya

... Petitioner/Defacto Complainant

-Vs-

1. The Superintendent of Police,
Thanjavur District, Thanjavur.

2. The Inspector of Police,
All Women Police Station,
Thanjavur.

(In Crime No.1 of 2020)

.... Respondents/Complainant

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to direct the 1st respondent to appoint an investigation officer except the second respondent to reinvestigate or further investigate the case in Crime No.1 of 2020 on the file of the respondent police based on her representation dated 22.11.2020.

For Petitioner : Mrs.C.Jeya Indra Patel

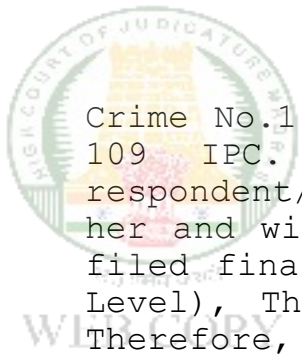
For Respondents : Mr.V.Neelakandan

Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the 1st respondent to appoint an investigation officer except the second respondent to reinvestigate or further investigate the case in Crime No.1 of 2020 on the file of the respondent police based on her representation dated 22.11.2020.

2.The learned counsel for the petitioner would state that the 1st accused who is the husband of the petitioner/defacto complainant has got mental disorders and ailments and in spite of that, the petitioner was living with him in the matrimonial home. Since the 1st accused suspected the petitioner and raised questions about her modesty and put into her mental agony, the petitioner lodged a complaint before the respondent/police and a case was registered in



Crime No.1 of 2020 for the offences under Sections 498(A), 406 and 109 IPC. The grievance of the petitioner is that the respondent/police never enquired her nor obtained any statement from her and without giving any opportunity to put forth her case, have filed final report before the Additional Mahila Court, (Magistrate Level), Thanjavur, which was taken on file in C.C.No.13 of 2020. Therefore, the petitioner has come forward with the present petition.

3.The learned Additional Public Prosecutor appearing for the respondents, on instructions, would submit that there are totally nine witnesses in Crime No.1 of 2020 and after completing the investigation, the respondent/police has filed charge sheet before the Additional Mahila Court (Magisterial Level), Thanjavur, and the same has been taken on file in C.C.No.13 of 2020 and the same is posted to 23.12.2020 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 her complaint, she is always at liberty to file application under Section 173(8) before the learned Judicial Magistrate concerned seeking re-investigation or further investigation.

With the above observations, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (Crl.Side)

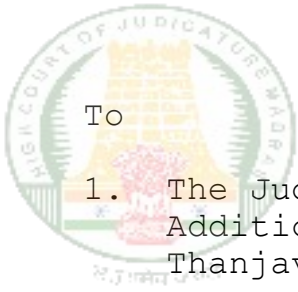
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Sub Assistant Registrar(CS)

bala/msa

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,
Additional Mahila Court (Magistrate Level),
Thanjavur

2. The Superintendent of Police,
Thanjavur District, Thanjavur.

3. The Inspector of Police,
All Women Police Station,
Thanjavur.

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

+1cc to M/s.Jeya Indra Patel, Advocate, SR.No.27101.

ORDRE MADE IN
Crl.O.P.(MD)No.15569 of 2020
DATED : 23.12.2020

AC (CO)
CS(11.01.2021) 3P 6C