

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 05.03.2021
Coram

The Hon'ble Mr. Justice P.N.PRAKASH
and
The Hon'ble Mr. Justice V.SIVAGNANAM

W.P.No. 3351 of 2021

Muruganandavalli

.. Petitioner

Vs

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai - 9.
2. The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 4.
3. The District Collector,
Coimbatore, Coimbatore District.
4. The Superintendent of Police,
State Bank Road, Coimbatore,
Coimbatore District.
5. The Deputy Superintendent of Police,
CBCID South Zone, Coimbatore,
No.800, Avinashi Road, Uppilipalayam,
Rural Police Quarters,
Coimbatore - 641 018
Coimbatore District.
6. The Inspector of Police,
Valparai Police Station,
Valparai, Coimbatore District.
7. The Sub Inspector of Police,
Mudis Police Station,
Valparai, Coimbatore District.
8. Maheswari,
The Inspector of Police,
Valparai Police Station,
Valparai, Coimbatore District.

9. Udhaya Suriyan,
The Sub Inspector of Police,
Mudis Police Station,
Valparai, Coimbatore District.

10.Mookan

11.Maadhu

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus (i) to transfer the investigation of the case in Cr.No.25 of 2020 on the file of the 7th respondent Mudis Police Station, Valparai to the 5th respondent in CBCID herein to conduct the fresh investigation and to file the final report before the appropriate Court within a reasonable time as prescribed by this Court, (ii) to give adequate protection to the petitioner's family in all possible manner from being excommunication and life threatening, (iii) to provide adequate compensation and the rehabilitative assistance to the victims both the mother and daughter and to the family and (iv) to direct the 5th respondent to register a case against the police officials namely the 8th and 9th respondents for their violation of law in dealing with the complaint of the petitioner in Cr.No.25 of 2020 on the file of the 7th respondent and also for harassing the victim and the petitioner and being insensitive in such crimes.

For Petitioner : Mr.P.S.Kothandaraman
For Respondents : Mr.R.Prathap Kumar,
Addl.Public Prosecutor
for R1 to R7

ORDER

[Order of the Court was made by P.N.PRAKASH, J.]

It is the case of the petitioner that on the complaint lodged by the petitioner, the police registered a case in Crime No.25 of 2020 on 11.05.2020 under Sections 342 and 354 IPC against one Maadhu and after completing the investigation has filed a report closing this case as mistake of fact before the District Munsif cum Judicial Magistrate, Valparai. While so, the petitioner filed the present writ petition for transfer of investigation in Crime No.25 of 2020 to C.B.C.I.D.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for respondents 1 to 7.

3.This Court carefully read the complaint in Crime No.25 of 2020 wherein the petitioner has made allegations against one Maadhu and Mookan that they had misbehaved with her daughter on

09.05.2020. Admittedly, Maadhu died on 23.01.2020. It is seen that earlier also, this petitioner had made an allegation of similar nature against Mookan and had not given any details in her complaint to the District Munsif cum Judicial Magistrate, Valparai on 25.10.2019, which formed the basis of registration of FIR in Crime No.28 of 2017.

4.It appears that there is a long standing dispute and feud between the petitioner and the family of Mookan. In our opinion, this is not a fit case to transfer the investigation to CBCID. However, it is open to the petitioner to file a protest application before the District Munsif cum Judicial Magistrate, Valparai in Mudis Police Station Crime No.25 of 2020, within a period of 30 days from the date of receipt of a copy of this order. On such protest application being filed, the learned Magistrate shall deal with the same in accordance with law.

5.With the above observation, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Additional Chief Secretary to Government,
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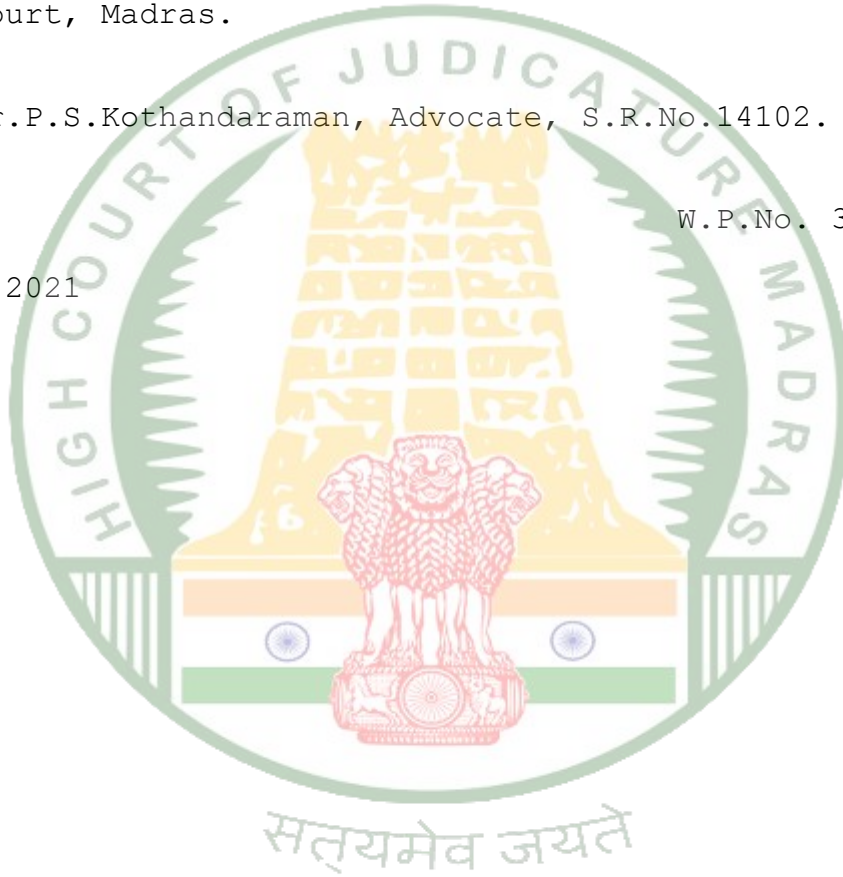
8. The District Munsif cum
Judicial Magistrate, Valparai.

9. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.P.S.Kothandaraman, Advocate, S.R.No.14102.

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PL(CO)
CSR 25.03.2021



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