



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 02.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE G. ILANGO VAN

Crl.O.P. (MD) No.7314 of 2021

WEB COPY
Mallika

... Petitioner

Vs.

1.The Commissioner of Police,
Office of Commissioner of Police,
Trichy,
Trichy District.

2.The Inspector of Police,
Srirangam All Womens Police Station,
Srirangam,
Trichy District.
(Cr.No.11/2021)

3.Gopinath

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the first respondent to transfer the investigation of the case in Crime No.11 of 2021 on the file of the second respondent police to some other agency and file final report before the trial Court as expeditious as possible based on the representation given by the petitioner on 25.05.2021 to the first respondent.

For Petitioner : Mr.V.Chandrapandi

For Respondents : Mr.R.M.Anbunithi

Additional Public Prosecutor
for R1 and R2

ORDER

This petition has been filed seeking direction to direct the first respondent to transfer the investigation of the case in Crime No.11 of 2021, on the file of the second respondent police to some other agency and file a final report before the trial Court as expeditious as possible based on the representation given by this Court on 25.05.2021 to the first respondent.

2.The case of the prosecution is in brief:-

The petitioner is the defacto complainant in Crime No.11 of



2021, for the offences punishable under Sections 294(b), 417, 406, 420, 506(i) of IPC and r/w Section 4 of Women Harassment Act, registered by the second respondent police against the third respondent herein. The petitioner is the widower and running a small hotel shop adjacent to her house. The third respondent, worked as the Sub Inspector of Police at Srirangam Police Station. During the lock down period, he requested her to supply the tea and tiffen for the police personnels, on that ground the third respondent regularly came to the shop of the petitioner and developed a friendly relationship with her. The third respondent stated that he is living separately from his wife for several years and expressed his willingness that he wants to marry her. The petitioner accepted the request of the third respondent and both lead live in relationship, during this time the third respondent had a sexual intercourse with the petitioner by promising that he will marry her soon, in the result the petitioner was conceived and later it was aborted at the request made by the third respondent.

3.During the course of relationship, the third respondent demanded 5 lakhs rupees and the 20 sovereigns jewels and received the same from the petitioner. Later the petitioner came to know that she was cheated by the third respondent and he threaten her not to gave a complaint. On 01.03.2021, the petitioner gave a complaint before the first respondent police against the third respondent, over which, the case in Crime No.11 of 2020 has been registered. Thereafter, the third respondent continuously harassed the petitioner to withdraw the complaint, he gave threat through some other police official and gave a false case using his influence against the petitioner, take steps to close the case. Hence the present petition has been filed.

4.Heard both sides.

5.The learned Additional Public Prosecutor has produced the CD file as well as the status report.

6.The status report reveals that, the 164 of Cr.P.C statement of the petitioner was recorded on 10.03.2021 by the learned Additional, Mahila Judge, Trichy. The third respondent got interim anticipatory bail in Cr.MP.No.2825 of 2021, on the file of the learned Mahila Judge, Trichy up to 28.04.2021. Later it was also made absolute on 28.04.2021. The third respondent was directed to produce all whats app chats with the petitioner, on 25.03.2021 he produced the same. On 25.03.2021, the second respondent police issued a summons to the petitioner to appear before the second respondent police on 25.03.2021 to hand over her mobile phone for verification and she stated that she already handed over her mobile phone to her advocate. Thereafter, the petitioner did not



to co-operate for enquiry.

7. On perusal of the CD file, it shows that during the course of enquiry a compromise was reached between the parties by which, the third respondent undertook to repay the amount and jewells to the petitioner, on that ground, the petitioner stated that no further investigation or enquiry is required in her complaint. Later, on 24.03.2021, the petitioner's statement was recorded at that time she told the investigation officer, as per the compromise the third respondent undertook to return the money or the jewells. Thereafter, the investigation is in progress. Because of the inconsistent statement made by the petitioner, the matter is kept pending.

8. This Court does not find any reason to transfer the investigation, this Court directs the petitioner to co-operate with the second respondent herein to complete the investigation. The second respondent is directed to complete the enquiry at the supervision of the first respondent, within a period of five months from the date of receipt of copy of this order and file final report before the concerned Court.

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

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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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 Commissioner of Police,
Office of Commissioner of Police,
Trichy,
Trichy District.



2.The Inspector of Police,
Srirangam All Womens Police Station,
Srirangam,
Trichy District.

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

Crl.O.P. (MD) No.7314 of 2021
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NSN (CO)
SB(13.09.2021) 4P 4C