



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.12.2021

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WP(MD)No.20144 of 2021

S.Arasiya Banu

... Petitioner/Petitioner

vs.

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

2.The Deputy Superintendent of Police,
O/o District Superintendent of Police
Uthamapalayam, Theni District.

3.The Inspector of Police,
All Women Police Station,
Uthamapalayam, Theni District.

4.Moulana Sait

... Respondents/Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 1st and 2nd respondents to change the investigation officer instead of 3rd respondent to conduct investigation and to file final report along with the charges for the issuance of Talaq to e-mail and for burnt wound made on 1-1/2 of year child with cigarette, as per petitioners representation dated 28.01.2021.

For Petitioners

: Mr.M.A.M.Raja

For R1 to R3

: Mr.T.Senthilkumar,

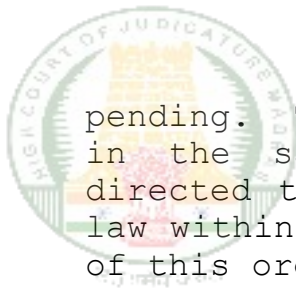
Additional Public Prosecutor

For R4

: Mr.Vishnuvarthanan

ORDER

The petitioner is the defacto complainant in Crime No.3 of 2020 on the file of the Inspector of Police, AWPS, Uthamapalayam. Seeking change of investigation officer, this writ petition has been filed. When the matter was taken up for hearing, the learned Additional Public Prosecutor submitted that final report has already been filed before the Judicial Magistrate, Uthamapalayam. It appears that a positive final report has been filed before the Jurisdictional Magistrate. It appears that a positive final report has been filed. It is also stated that the jurisdictional magistrate is not taking cognizance of the offence only for the reason that Cr1 OP(MD)No.8906 of 2020 filed by the accused is still



pending. There is no dispute that no interim order has been granted in the said O.P. Therefore, the jurisdictional magistrate is directed to a call in the matter on merits and in accordance with law within a period of three weeks from the date of receipt of copy of this order.

WEB COPY

2.The writ petition is disposed of.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

skm

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, Uthamapalayam, Theni District.
- 2.The Superintendent of Police,
Theni, Theni District.
- 3.The Deputy Superintendent of Police,
O/o District Superintendent of Police
Uthamapalayam, Theni District.
- 4.The Inspector of Police,
All Women Police Station,
Uthamapalayam, Theni District.
5. The Additional Public prosecutor,
Madurai Bench of Madras High Court, Madurai

Copy to
The Registrar Judicial,
Madurai Bench of Madras High Court, Madurai.

WP(MD) No.20144 of 2021
06.12.2021

AM(CO)
KB(23.12.2021) 2P 7C

<https://hcservices.ecourts.gov.in/hcservices/>