



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.12.2021

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WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No. 18796 of 2021

S.Thirumathi

... Petitioner

Vs.

1.B.Shanmugavel
2.S.Veerakumar
3.S.Vijayakumar
4.S.Panchavarnam
5.V.Annupriya

6.The Inspector of Police,
Abiramam Police Station,
Kamuthi Taluk,
Ramanathapuram District.

... Respondents 1 to 6

Prayer : Criminal Original Petition is filed under Section 482 Cr.P.C., to set aside the order in Cr.M.P.No.2032 of 2021 on the file of the Judicial Magistrate, Kamuthi and to direct the sixth respondent to register a First Information Report against the respondents 1 to 5.

For Petitioner : Mr.R.Narayanan

For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor for R6

ORDER

Heard the learned Counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the sixth respondent.

2. Considering the nature of relief to be granted, the issuance of notice to respondents 1 to 5 is dispensed with.

3. The petitioner filed Cr.M.P.No.2032 of 2021 before Judicial Magistrate, Kamuthi, for registering an FIR against the private respondents herein. The said miscellaneous petition was dismissed by the Court below, vide order, dated 04.10.2021 in view of the



registration of Crime No.447 of 2021. Aggrieved by the rejection of the petition, this Criminal Original Petition has been filed.

4. The learned counsel appearing for the petitioner submitted that while it is true that Crime No.447 of 2021 has been registered, it does not exactly set out what actually happened to the petitioner herein. Further apprehension is that the defacto complainant/Veerakumar may join hands with the accused and the entire FIR may be given a quiet burial. That is why the petitioner wants to register a separate FIR in respect of the injury caused to her. It is further stated that the petitioner suffered not a simple injury, but a fracture on her leg. The apprehensions expressed by the petitioner cannot be ignored. The learned Additional Public Prosecutor submitted that further statement has been recorded from the petitioner herein. The sixth respondent is directed to ensure that the final report reflects the further statement of the petitioner herein. Even if the defacto complainant/Veerakumar joins hands with the accused herein, still the case will have to be prosecuted based on the stand taken by the petitioner herein. Since the petitioner has suffered a fracture, an alteration report also will have to be filed. The sixth respondent is directed to act strictly as per law taking note of the further statement given by the petitioner. This Criminal Original Petition is disposed of, on these terms.

Sd/-

Assistant Registrar(CS-II)

// 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.Judicial Magistrate,
Kamuthi

2.The Inspector of Police,
Abiramam Police Station,
Kamuthi Taluk,
Ramanathapuram District.



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

+1 CC to M/s.R.NARAYANAN, Advocate (SR-37745[F] dated 08/12/2021)

CrI.O.P. (MD)No.18796 of 2021
07.12.2021

MJ(CO)
TR(17.12.2021) 3P 5C