



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 10.12.2021
CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.22014 of 2021 and
W.M.P.(MD)No.18614 of 2021

V.Parameswari

... Petitioner

Vs.

1. The Superintendent of Police,
Dindigul District,
Dindigul.
2. The Deputy Superintendent of Police,
Palani Taluk, Palani,
Dindigul District.
3. The Inspector of Police,
All Women police station,
Palani,
Dindigul District.
4. The Inspector of Police,
Palani Town police station,
Palani,
Dindigul District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the fourth respondent's summon under Section 41(1)(A) of Cr.P.C. dated Nil and quash the same as without jurisdiction and non application of mind and direct the first respondent to monitor and investigate the case in Crime No.4 of 2020 on the file of the third respondent based on the petitioner's representation dated 02.12.2021 within the period stipulated by this Court.

For Petitioner : Mr.T.Ramasamy
For Respondents : Mr.M.Sakthi Kumar,
Government Advocate.

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.



2. The petitioner's husband Vijayakumar is the defacto complainant in Crime No.4 of 2020 registered on the file of the All Women police station, Palani. The petitioner herself is the complainant in Crime No.21 of 2021 which was also registered on the file of the All Women police station, Palani. The petitioner is the accused in Crime No.1029 of 2021 registered on the file of Palani Town police station. The petitioner has now received notice under Section 41(1)(A) of Cr.P.C. Issuance of the impugned notice is under challenge in this writ petition.

3. Since Crime No.1029 of 2021 involves the offence under Section 3(i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act also, I fail to understand as to how the notice under Section 41(1)(A) of Cr.P.C. could have been issued.

4. Be that as it may, in the interest of justice and by invoking jurisdiction under Section 482 of Cr.P.C., this writ petition is disposed of on the following directions:-

"(a) The petitioner shall surrender before the jurisdictional Special Court on 20.12.2021.

(b) The jurisdictional Special Court is directed to accept the said surrender and also dispose of the bail petition to be filed by the petitioner on the same day of surrender on merits and in accordance with law.

(c) The petitioner as well as the police authorities are directed to intimate the defacto complainant about the proposed surrender on 20.12.2021."

No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PMU

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.

<https://hccservices.gov.in/tcs/gas>



To:

1. The Special Judge for SC/ST Act Cases, Dindigul.
2. The Superintendent of Police,
Dindigul District,
Dindigul.
3. The Deputy Superintendent of Police,
Palani Taluk, Palani,
Dindigul District.
4. The Inspector of Police,
All Women police station,
Palani,
Dindigul District.
5. The Inspector of Police,
Palani Town police station,
Palani, Dindigul District.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

W.P. (MD) No. 22014 of 2021
10.12.2021

PK(CO)
SB(17.12.2021) 3P 7C