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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2022

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.3866 of 2022

Selvi ... Petitioner/Defacto Complainant

Vs.

1. State represented by,
The Commissioner of Police,
O/o., Commissioner of Police,
Salem.
2. The Assistant Commissioner of Police,
North Wing L & O,
Athampatti, Salem.
3. The Inspector of Police,
Ammapettai All Women Police Station,
Salem District.

4. P.Prabhu ... Respondents/Complainants/
Accused

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleased to direct the first respondent to take necessary proper action against the representation dated 20.09.2021 in Cr.No.46 of 2021 within the stipulated period.

For Petitioner : Mr.K.Sivakumar
For R 1 to R3 : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct first respondent to take necessary proper action against the representation dated 20.09.2021 in Cr.No.46 of 2021.

2. It is the case of the petitioner that she belongs to the Scheduled Caste Community. She has given a complaint against the fourth respondent on 22.04.2021. Though the specific averments of offence were made out against the accused for offences under the Provision of SC/ST (POA) Act, the third respondent registered a case in Crime No.46 of 2021 for the offences only



under Sections 493, 417, 420 & 506(1) IPC on 13.09.2021. The petitioner had sent representation on 04.09.2021 and 06.09.2021 and later, on 15.09.2021, the case has been altered to one under Sections 376, 493, 417, 420 & 506(i) IPC and 3(2)(va) of SC/ST (POA) Act. Despite the complaint being given on 22.04.2021, the third respondent arrested the accused/R4 only on 03.02.2022.

3. Since, the third respondent has not conducted the enquiry in fair manner, the petitioner had sent another representation to the first respondent on 20.09.2021, to take action against the third respondent for not conducting the investigation in a proper manner. Since, the first respondent has not taken any steps on the complaint of the petitioner, the present petition has been filed seeking to direct the first respondent to initiate appropriate action against the third respondent.

4. Mr.A.Gokulakrishnan, learned Additional Public Prosecutor would submit that the petitioner/victim belongs to the Scheduled Caste Community. The petitioner and the accused are colleagues working in a nationalized bank. The petitioner is aged about 33 years and the accused/R4 is about 37 years. Even as per the complaint, the petitioner had given contradictory statements that she and the accused were working in the bank and they were in love for the past four years. He would further submit that admittedly, she had stated that accused had taken her to Yercaud during the month of December 2020 and married her at Servarayan temple and that they had started their matrimonial life at the house belonging to one Arul at Chinnakollapatti, Salem. Based on the statement of the petitioner, preliminary enquiry was conducted.

5. He would also submit that the third respondent had conducted the investigation in a fair manner and if the petitioner is aggrieved the same, due enquiry will be conducted by the first respondent based on the representations given by the petitioner.

6. Recording the same, the Criminal Original Petition stands disposed of with a direction to the first respondent to consider the representations given by the petitioner and pass orders in accordance with law. It is made clear that this Court has not expressed any opinion with regard to the averments made in the representation.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1. The Commissioner of Police,
O/o., Commissioner of Police,
Salem.
2. The Assistant Commissioner of Police,
North Wing L & O,
Athampatti, Salem.
3. The Inspector of Police,
Ammapettai All Women Police Station,
Salem District.
4. The Public Prosecutor,
High Court of Madras.

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NMI (CO)
CT 11/03/2022