



WEB COPY



Crl.O.P.No.28250 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2022

CORAM:

THE HON'BLE Ms.JUSTICE **R.N.MANJULA**

Crl.O.P.No.28250 of 2022

Kanimozhi

... Petitioner

Vs.

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

2.The Inspector of Police,
All Women Police Station,
Thittakudi,
Cuddalore District.

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the second respondent to register the complaint of the petitioner dated 09.11.2022 and investigate the same in accordance with law.

For Petitioner : Mr.M.Velmurugan

For Respondents : Mr.S.Santhosh,
Govt. Advocate (Crl.Side)



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ORDER

This Criminal Original Petition has been filed to direct the second respondent to register the complaint of the petitioner dated 09.11.2022 and investigate the same in accordance with law.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondents.

3.The learned counsel for the petitioner submitted that the husband of the petitioner Rajkumar is involved in a case in STC No.178 of 2015; in the name of enquiry for the said case, the Sub-Inspector of Police by name Bakiyaraj trespassed into the house of the petitioner and sexually abused her; despite the complaint has been given to the second respondent police, no action has been taken so far.

4.The learned Government Advocate (Crl.Side) submitted that the Sub-Inspector of Police needed to visit the house of the petitioner only for the purpose of securing Rajkumar who is the husband of the petitioner and he is involved in a case in STC No.178 of 2015; the husband of the petitioner is absconding so long and hence the respondent police was making enquiry about



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his whereabouts; the petitioner's husband is a history sheeter in H.S.No.06 of 2007; he also submitted that after enquiry, the complaint given by the petitioner was closed as “mistake of fact”.

5. However, it is learnt that the Non-bailable Warrant pending against the husband of the petitioner is recalled and hence there is no necessity for the police to go to the house of the petitioner. It is submitted that the complaint given by the petitioner against one Bakiyaraj, Sub-Inspector of Police, has been taken up for enquiry and after completion of enquiry, the complaint has been closed as “mistake of fact”. In that case, the closure report should be served on the petitioner. The second respondent is directed to send the copy of the closure report to the petitioner. If the petitioner is not satisfied with the closure report, she is at liberty to file appropriate proceedings under Section 156(3) or 200 of Cr.P.C before the appropriate forum.

6. With the above observations, this Criminal Original Petition is disposed.

Index: Yes/No
Speaking / Non Speaking Order
gsk

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R.N.MANJULA, J.

gsk

To

- 1.The Superintendent of Police,
Cuddalore District,
Cuddalore.
- 2.The Inspector of Police,
All Women Police Station,
Thittakudi,
Cuddalore District.
- 3.The Public Prosecutor,
High Court, Madras.

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