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CrI.O.P No.28775 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **23.11.2022**

CORAM

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

CrI.O.P No.28775 of 2022

Dr.T.G.Swathika

... Petitioner

Vs.

1. The State rep. by the
Inspector of Police,
All Women Police Station,
Krishnagiri District.

2. Dr.G.Praveen

3. Amutha

4. Bharath Kumar

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to set aside the order passed by the learned Additional Mahila Court by an order dated 07.09.2022 in Cr. No.38 of 2022.

For Petitioner : Mr. S.Suresh
For Respondent-1 : Mr. S.Santhosh
Government Advocate (CrI.Side)

ORDER



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This Criminal Original Petition has been filed to set aside the order passed by the learned Additional Mahila Court by an order dated 07.09.2022 in Cr. No.38 of 2022.

2. The first petitioner is the wife of the second respondent. The impugned order is the order of remand passed by the learned Additional Magistrate, Additional Mahila Court, Krishnagiri. The second respondent / first accused is produced before the learned Magistrate after arrest.

3. The records would show that the first accused is the husband of the petitioner. The third respondent is the mother of the second respondent and the fourth respondent is the relative of the third respondent. The petitioner has given a complaint by alleging that she was subjected to mental torture and cruelty by the second respondent and his parents and they threatened her with dire consequences. On the basis of the complaint given by the petitioner, a case has been registered in Cr. No.38/2022 on the file of first respondent police. During the course of investigation, the first accused who is a Doctor was secured and produced before the learned Magistrate. The learned Magistrate, at her discretion, had chosen to pass an order without



remanding the accused.

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4. Though the petitioner has filed this petition to set aside the order by stating that the learned Magistrate ought to have remanded the accused, it is for the prosecution agency and for the Court to decide whether the custody of the accused is needed during the course of investigation. Only if the course of investigation warrants arrest and remand of the accused, the learned Magistrate has to consider all other factors and remand the accused. The reasons stated by the learned Magistrate would show that the learned Magistrate had applied his mind and taken a conscious decision of not to remand the accused. However the accused was directed to cooperate for investigation.

5. In criminal complaints involving domestic disputes, there may be lot of displeasure between the couple and their family members. Though, it is appropriate on the part of the first respondent to register the case and take action, in case of any criminal offence is seen to have committed by any of the family member, the petitioner cannot press that the accused should be remanded in the manner in which she wishes.



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6. It is not the contention of the petitioner that after registering the case, the first accused had ever met her or caused disturbance. So long as the second respondent complies the condition laid down by the learned Magistrate, there is no need to set aside the order of the learned Magistrate and direct the Magistrate to remand the accused. It is also for the prosecution to appraise the situation and seek for modification of an order or for cancellation of bail if it so warrants. But just for the pleasure of avenging the revenge or to settle scores, the learned Magistrate cannot be directed to react in the manner as wished by the petitioner.

7. In view of the above observation, this Criminal Original Petition is dismissed.

23.11.2022

Index : Yes/No
Speaking Order : Yes / No

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To:

1. The Inspector of Police,
All Women Police Station,
Krishnagiri District.
2. The Additional Magistrate,
Additional Mahila Court, Krishnagiri.
3. The Public Prosecutor,
High Court, Madras.



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R.N.MANJULA, J.,

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