



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.02.2022

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.(MD) No.3539 of 2022

Selvi

...Petitioner

Vs.

1. The Commissioner of Police
Madurai City, Madurai

2. The Inspector of Police
Thiruparamkundram
Madurai City
Crime No.53 of 2022

3. Mahalingam

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to pass an order directing the 1st and 2nd respondents to transfer the investigation in Crime No. 53 of 2022 on the file of the 2nd respondent to any other competent investigation agency and consequently direct the investigation agency to include the penal provision on the accused based on the petitioners statement.

For Petitioner : M/s.Ajmalkhan S A

For Respondents : Mr.R.M.Anbunithi
No.1 & 2 Additional Public Prosecutor

ORDER

This petition has been filed seeking direction to direct the 1st and 2nd respondents to transfer the investigation in Crime No. 53 of 2022 on the file of the 2nd respondent to any other competent investigation agency and consequently direct the investigation agency to include the penal provision on the accused based on the petitioners statement.

2. The learned counsel for the petitioner would submit that the petitioner while taking corporation water nearby her house on 01.02.2022 at about 6.45 pm., at that time the third respondent who was working as a vadai master in Roja Tea Shop abused her in filthy language and asked her to remove the pot. At that time, the third respondent brutally attacked her using hot insulated perforated spoon and caused injuries on her. On the complaint lodged by the petitioner the second respondent registered a case in Crime No. 53 of 2022 for the offence under Section 324 of IPC. He would further submit that there are materials to attract the offence under



Sections 294(b) and 326 of IPC. Even then the second respondent without even registering the case under Section 326 of IPC, registered the case only under Section 324 of IPC.

3. The learned Additional Public Prosecutor would submit that the investigation is almost completed and the respondent police is about to file the final report.

4. In view of the above, while filing the final report, if the second respondent finds any materials to attract the offences under Sections 294(b) and 326 of IPC, the second respondent is directed to include those offences and file the final report within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above direction, the Criminal Original Petition stands disposed of.

Sd/-

Assistant Registrar (AD I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1. The Commissioner of Police
Madurai City, Madurai

2. The Inspector of Police
Thiruparamkundram
Madurai City

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

+1 CC to M/s.S.A.AJMAL KHAN, Advocate (SR-7300[F] dated
21/02/2022)

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MK(05.03.2022) 2P 5C