

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.09.2022

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.7991 of 2022

Maragatham

...Petitioner

VS

1.The Deputy Superintendent of Police,
Thirumangalam,
Madurai District.

2.The Inspector of Police
Thirumangalam Town Police Station,
Madurai District.

3.The Superintendent of Police,
Madurai District.

(R3 has been *suo motu* impleaded
vide order dated 20.09.2022)

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C,
praying to direct the respondents to conduct further investigation vide in
Crime No.488 of 2011 on the file of the second Respondent on the basis of
the Petitioner's complaint dated 18.02.2022.

For Petitioner : Mr.V.Muthuvelan

For Respondents : Mr.R.Sivakumar
Government Advocate (Crl.side)

O R D E R

This Criminal Original Petition has been filed to direct the Respondents to conduct further investigation in Crime No.488 of 2011 on the file of the second Respondent, on the basis of the Petitioner's representation dated 18.02.2022.

2.The learned Counsel for the Petitioner submits that on 29.08.2011 at about 15.35 hours, the Petitioner was attacked by one Paulpandi, who is residing in the very same village under the pretext of seeking water. He entered the house of the Petitioner and attacked her with knife. On hearing her cries, the neighbours brought out her to the Hospital. The attacker escaped. She was admitted in the hospital. She underwent treatment for about one month. In the meanwhile, her husband had preferred a complaint with the second Respondent/the Inspector of Police, Thirumangalam Town Police Station, Madurai District, based on which the FIR in Crime No.488 of 2011 was registered on 30.08.2011.

3.It is the submission of the learned Counsel for the Petitioner that the Petitioner on her enquiry came to know that her husband had engaged the said Paulpandi to kill her. It is the further submission of the learned Counsel for the Petitioner that her husband had developed illegal intimacy with her sister, who is employed as a Teacher. The petitioner used to question the conduct of her husband. Therefore, there was dispute between them.

4.In those circumstances, it is the contention of the learned Counsel for the Petitioner that the Petitioner's husband had engaged the said Paulpandi to kill her. Subsequently, the Petitioner's husband had given a negative report to the Investigation Officer, based on which the FIR in Crime No.488 of 2011 was closed. Therefore, the Petitioner herself had given a subsequent complaint on the same incident. In that complaint, she had arrayed her husband as an accused, based on which the FIR in Crime No.13 of 2022 had been registered.

5.The learned Government Advocate (Crl.side) for the Respondents submits that the earlier case, which was registered in 2011, was closed as action dropped in 2014. The husband of the Petitioner had issued notice in a

divorce proceeding. Aggrieved by the same, the Petitioner had lodged the second FIR.

6.For the purpose of issuing direction, the Superintendent of Police, Madurai, is *suo motu* impleaded as 3rd Respondent in this Petition.

7.Considering the fact that for the offences alleged to have taken place in the year 2011, the Petitioner had filed the complaint in the year 2022, by which time sufficient time is lost in collecting evidence and in the light of the present FIR, the Investigation Officer/the second Respondent is directed to proceed further and file the final report as per law before the Court concerned. The third Respondent/the Superintendent of Police, Madurai, is directed to supervise the investigation regarding the complaint of the Petitioner and the final report to be filed by the Investigation Officer.

8.With the above directions, this Petition stands disposed of.

Internet:Yes./No
Index:Yes/No
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20.09.2022

To

- 1.The Deputy Superintendent of Police,
Thirumangalam,
Madurai District.
- 2.The Inspector of Police
Thirumangalam Town Police Station,
Madurai District.
- 3.The Superintendent of Police,
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

SATHI KUMAR SUKUMARA KURUP, J.

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