



CRL.O.P (MD) No.18800 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 07.11.2022

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.18800 of 2022

A.Latha

...Petitioner

Vs.

**1.The District Superintendent of Police,
Pudukottai District,
Pudukottai.**

**2.The Inspector of Police,
All Women Police Station,
Pudukottai.
(Crime No.8 of 2020)**

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to set aside the charge sheet filed by the second respondent in C.C.No.2 of 2021 on the file of the Additional Mahila Court (Judicial Magistrate Level), Pudukkottai, consequently direct the second respondent to conduct further investigation and file the charge sheet a fresh.

For Petitioner : Mr.E.Balasubramanian

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



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ORDER

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This Criminal Original Petition has been filed to quash the charge sheet filed by the second respondent in C.C.No.2 of 2021 on the file of the Additional Mahila Court (Judicial Magistrate Level), Pudukkottai, consequently direct the second respondent to conduct further investigation and file the charge sheet a fresh.

2.The learned Counsel for the Petitioner submits that the Petitioner had lodged a complaint against one Saravanan. It is the submission of the learned Counsel for the Petitioner that the Petitioner is serving as a Woman Police Constable at All Women Police Station, Pudukkottai. At the time of occurrence, she was working as a Head Constable. Due to the dispute between her and her husband, she has living separately at Police Quarters at Pudukkottai. The persons, who arrayed as an accused as Police Constable was residing at upstairs floor alleged to have misbehaved with the Petitioner. Therefore, the Petitioner had lodged a complaint with her Superior as per the Ruling of the Hon'ble Supreme Court in "**Visaka Committee**" case. Therefore, the Superintendent of Police was forced to form a Committee and enquired her complaint. Accordingly, enquiry was



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conducted by the Deputy Superintendent of Police, Aranthangi. In the enquiry, eight witnesses, who were in the know of things within the same building as well as working places, were examined as witnesses and in the finding, the guilt of the respondents were proved.

3. While so, based on the complaint of the Petitioner herein, the All Women Police Station Inspector, Pudhukottai, had examined the witnesses, who had not been in the place of occurrence. Therefore, the Petitioner feels that the investigation report is not fair. They had already filed a final report before the Court of the learned Judicial Magistrate and the learned Magistrate has also taken cognizance and the same was numbered as C.C.No.2 of 2021. It is the submission of the learned Counsel for the Petitioner that the Investigation Officer ought to have examined the persons, who are residing in the quarters particularly Woman Police Constable and also her accompanying Woman Police Constable, who were working in the same place, but they were not examined. It is because, the said Saravanan/A1 was employed in the office of the Superintendent of Police by then.



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4. The learned Government Advocate (Crl.side) submitted that at the alleged date of occurrence, the Petitioner herein was serving as a Head Constable. She had been promoted as Sub Inspector of Police. The case has been taken on file and summoned to the accused. The accused has appeared before the Court and the trial was fixed. At this stage, summons were issued, the Petitioner refused to receive the summon. Therefore, he seeks to direct the accused to appear before the learned Magistrate concerned.

5. Considering the submissions made by the learned Counsel for the Petitioner, the learned Judicial Magistrate took cognizance of the offences. Now the learned Magistrate does not have the power to order further investigation. Therefore, the Petitioner had rightly approached this Court.

6. The learned Government Advocate (Crl.side) submits that originally there are two accused in this case. The said Saravana was arrayed as A1. Both the accused have approached this Court by way of filing Crl.O.P(MD)No.6221 of 2021, which was dismissed by the learned Single Judge of this Court against the first accused and quashed against the second



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accused/wife of the first accused, as per order dated 17.12.2021.

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7. As far as the grievances of the Petitioner are found justified, this Court directs the Investigation Officer to proceed further with the investigation particularly by examining the witnesses, who were not examined by following the procedures set out in '*Visaka Committee*' case and file an Additional Report before the learned Judicial Magistrate, Additional Mahila Court, Pudukottai, within a reasonable time of one month from the date of receipt of a copy of this order. Till such time, the learned Judicial Magistrate, Additional Mahila Court (Judicial Magistrate Level), Pudukottai, shall not pass any order or proceed with the trial.

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

07.11.2022

Index:Yes/No
vsd



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To

- 1.The Judicial Magistrate,
Additional Mahila Court (Judicial Magistrate Level),
Pudukkottai
- 2.The District Superintendent of Police,
Pudukottai District,
Pudukottai.
- 3.The Inspector of Police,
All Women Police Station,
Pudukottai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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vsd

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