



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.01.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD).No.23215 of 2021

and

W.M.P.(MD)No.19641 of 2021

Subha Davincy

... Petitioner

Vs.

1.The Superintendent of Police,
District Superintendent Office,
Madurai District.

2.The Inspector of Police,
All Women Police Station,
Melur,
Madurai District.
(Crime No.6 of 2018)

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the first respondent to appoint any other competent officer to further investigate / reinvestigation the case in Cr.No.6 of 2018 on the file of the second respondent police.

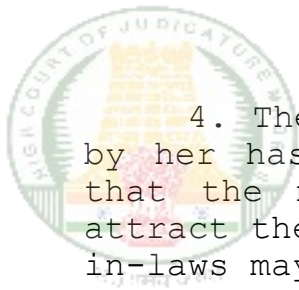
For Petitioner	:	Mr.S.Senthilkumar
For R1 & R2	:	Mr.M.Sakthi Kumar
		Government Advocate (Crl.)

ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate (crl.) for the respondents.

2. The petitioner wants this Court to direct further investigation to be ordered in Crime No.6 of 2018 registered on the file of the All Women Police Station, Melur. It is a matrimonial complaint.

3. The learned Government Advcoate submits that investigation was already concluded and final report has been filed and cognizance of the offence has also been taken and the case is presently pending trial in C.C.No.8 of 2019 on the file of the Judicial Magistrate, Melur.



4. The grievance of the petitioner is that the statement given by her has not been properly recorded. She would further allege that the manner in which her statement has been recorded would attract the offence only as far as her husband is concerned and that in-laws may go scot-free.

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5. I am certain that when the petitioner deposes before the trial Magistrate, the case will be decided based on what she has deposed during trial. The learned trial Magistrate will also bear in mind that the petitioner has already made an allegation that her statement has not been properly recorded under Section 161 of Cr.P.C.

6. With this observation, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Judicial Magistrate, Melur.

2.The Superintendent of Police,
District Superintendent Office,
Madurai District.

3.The Inspector of Police,
All Women Police Station,
Melur,
Madurai District.

4. The Additional Public prosecutor,
Madurai Bench of Madras High Court, Madurai

W.P.(MD).No.23215 of 2021
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