



Crl.O.P.(MD) No.20519 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.11.2022

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THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

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S.Kayalvizhi

...Petitioner

VS

1.The Inspector of Police,
Tallakulam Police Station,
Madurai.

2.The Sub Inspector of Police,
Tallakulam Town Police Station,
Madurai
In Crime No.681 of 2022

3.Shanmuganathan

4.The Commissioner of Police,
Madurai City.
(R4 has been *suo motu* impleaded
vide order dated 29.11.2022)

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C,
praying to direct the authorities to transfer the investigation in Crime No.
681 of 2022 to some other competent investigation agency.

For Petitioner : Mr.V.Murugan

For R1, R2 & R4 : Mr.B.Nambi Selvan

Additional Public Prosecutor



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ORDER

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This Criminal Original Petition had been filed to direct the Authorities to transfer the investigation in Crime No.681 of 2022 to some other competent Investigation Agency.

2.It is the submission of the learned Counsel for the Petitioner that the Petitioner was brutally attacked by the aggressor, in which she was injured and underwent treatment at Rajaji Hospital, Madurai. While undergoing treatment, the Police came to the Ward and enquired. The Petitioner had given statement, which was recorded as complaint and on the basis of the same, the FIR was registered.

3.It is the further submission of the learned Counsel for the Petitioner that the FIR was registered only after obtaining orders from this Court. Even after registration of the FIR, the Respondent Police was not prompt in proceeding with the investigation. After obtaining directions from this Court only, they had registered the FIR. Even though the complaint was registered promptly, the FIR was not registered.



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4. In the light of the past conduct of the Investigation Officer, the Petitioner apprehends that she will not get justice with the Respondents 2 and 3. Therefore, she seeks to transfer the case in Crime No.681 of 2022 from the file of the second Respondent to some other Agency.

5. The learned Additional Public Prosecutor for the Respondents 1 and 2 would submit that it is a case and counter case. He would further submit that in this case, the Petitioner's case is to be dropped as negative.

6. In the light of the above, the contention of the learned Counsel for the Petitioner is found justified. When a case had been registered based on the complaint of the injured victim, instead of registering the FIR promptly, the Petitioner was forced to approach this Court and seek direction to register the FIR. Even after the registration of the FIR, the Petitioner had not proceeded promptly. Even though the FIR was registered in the month of September, 2022, till date it has not proceeded.



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7.Today, 29.11.2022, the learned Additional Public Prosecutor, on instructions, would submit that the counter case was investigated and this case is to be dropped. Therefore, the Commissioner of Police, Madurai City is *suo motu* impleaded as proper and necessary party in this petition.

8.The fourth Respondent, the Commissioner of Police, Madurai City is directed to nominate a Senior Officer not below the rank of an Assistant Commissioner of Police and look into the grievance of the Petitioner, who was severely injured by the aggressor and had underwent treatment in the hospital and from whom, the statement was recorded in the hospital bed by the third Respondent, Shanmuganathan, the then Sub Inspector of Police, Tallakulam Town Police Station, Madurai. Even after recording the statement of the injured/victim, he was reluctant to proceed with the registration of the case forcing the Petitioner to approach this Court by filing petition under section 482 Cr.P.C. seeking direction. Only on the basis of the direction, the FIR was registered. After registration of the FIR, the investigation had not proceeded till the present day.



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9.Today, 29.11.2022, when the case came up for hearing, the learned

Additional Public Prosecutor submitted that they are likely to drop the investigation as mistake of fact. Therefore, the Assistant Commissioner of Police to be nominated by the fourth Respondent shall look into the complaint and consider withdrawal of the CD file in Crime No.681 of 2022 on the file of the third Respondent to any other Officer, who is prompt and fair in proceeding with the investigations.

10.With the above directions, this Criminal Original Petition is disposed of.

Internet:Yes/No
Index:Yes/No
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29.11.2022

To

- 1.The Inspector of Police,
Tallakulam Police Station,
Madurai.
- 2.The Sub Inspector of Police,
Tallakulam Town Police Station,
Madurai
- 3.The Commissioner of Police,
Madurai City.

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SATHI KUMAR SUKUMARA KURUP, J.

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

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