



Crl.O.P.(MD)Nos.22494 to 22496 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2022

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)Nos.22494 to 22496 of 2022

and

Crl.M.P.(MD)Nos.15901 and 15902 of 2022

Nithya

... Petitioner (in
all the petitions)

Vs.

1.The Inspector of Police,
All Women Police Station,
Srirangam,
Tiruchirapalli-6.

...1st Respondent
in Crl.O.P.(MD)
No.22494 of 2022

1.The Inspector of Police,
All Women Police Station,
Cantonment,
Tiruchirapalli.
(Crime No.9 of 2022)

...1st Respondent
in Crl.O.P.(MD)
No.22495 of 2022

1.The Inspector of Police,
Law and Order,
Thiruverambur Police Station,
Thiruverambur, Tiruchirapalli.
(Crime No.127 of 2022)

...1st Respondent
in Crl.O.P.(MD)
No.22496 of 2022



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2.Elayaraja

3.Balamurugan

4.Ramya

5.Mathiyalagan

6.Marudambal

...Respondent Nos.2
to 6 (in all the
petitions)

PRAYER in Crl.O.P.(MD)No.22494 of 2022: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to transfer the complaint lodged by the petitioner pending before the first respondent dated 02.07.2022 to the file of an Investigating Agency, preferably, the Crime Investigation Department (CB-CID) or any other Investigation Agency.

PRAYER in Crl.O.P.(MD)No.22495 of 2022: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to transfer the case registered in Crime No.9 of 2022 on the file of the first respondent to the file of an Investigating Agency, preferably, the Crime Investigation Department (CB-CID) or any other Investigation Agency.

PRAYER in Crl.O.P.(MD)No.22496 of 2022: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to transfer the case registered in Crime No.127 of 2022 on the file of the first respondent to the file of an Investigating Agency, preferably, the Crime Investigation Department (CB-CID) or any other Investigation Agency.



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(in all the petitions)

For Petitioner : Mr.S.K.Mani

For R1 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

These Criminal Original Petitions have been filed, invoking Section 482 Cr.P.C., seeking orders to transfer the complaint lodged by the petitioner pending before the first respondent to the file of an Investigating Agency, preferably, the Crime Investigation Department (CB-CID) or any other Investigation Agency.

2. Admittedly, the marriage between the petitioner and the second respondent was solemnized on 08.06.2017 at A.M.S. Kalyana Mandapam, Woraiyur, Tiruchirapalli.

3. It is evident from the records that the petitioner is working in Punjab National Bank, Tiruchirapalli, whereas, the second respondent/ husband working in Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO), Tiruchirapalli.



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4. Admittedly, the respondents 5 and 6 are the parents, the third respondent is the brother and the fourth respondent is the sister of the second respondent.

5. The case of the petitioner is that there existed matrimonial dispute between the petitioner and the second respondent, that the second respondent and the other private respondents, who are the in-laws of the petitioner, have been harassing the petitioner by demanding money very often, that the petitioner sent a sum of Rs.4,00,000/- through electronic money transfer on 06.04.2022 towards purchase of a plot in the name of the sixth respondent under the compulsion of the second respondent, that the second respondent forced the petitioner to send a sum of Rs.2,44,000/- by electronic money transfer on 13.04.2022 and thereafter, he compelled the petitioner to withdraw a sum of Rs.3,00,000/- from the petitioner's bank account, but the petitioner had really forgotten to withdraw the amount as demanded by the second respondent, that while the petitioner was working in the bank, at about 07.10 p.m. on 13.04.2022, the second respondent came to the bank and asked about the money, that when the petitioner had informed him that she had forgotten



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to withdraw the amount, he attacked the petitioner in the bank premises itself and in the presence of the bank officials, that thereafter, the petitioner was taken from the bank to the house of the second respondent in Keela Vannarapettai and before she could enter into the house, she was beaten by the second respondent with his helmet, that the respondents 3 and 6 joined the second respondent and had beaten and kicked her, that all of them scolded the petitioner with obscene words, that thereafter, the petitioner was taken in an auto by the third respondent followed by the second respondent to the parents' house of the petitioner, that even before the petitioner entered into the house, the second respondent had beaten her with his helmet and as a result of which, the petitioner fell down, that the entire family members of the petitioner came out and attempted to lift the petitioner, that when the petitioner's father questioned the second respondent, he beat the petitioner's father and snatched the aruval from the third respondent and rushed to cut the petitioner by pushing the petitioner away and that the petitioner was taken along with her brother to Government Hospital through 108 ambulance and were admitted as in-patient.



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6. It is further case of the petitioner that while the petitioner was taking treatment in the Government Headquarters Hospital, Tiruchirapalli, she gave a statement to the Inspector of Police, Thiruverambur Law and Order Police Station on 13.04.2022, but no action was taken upon the complaint and that the police registered a case only on the basis of the statement taken from the petitioner's father. It is further case that before taking the petitioner to Hospital, her brother phoned to 100 police and that the Inspector of Police, All Women Police Station, Thiruverambur registered two cases one in Crime No.127 of 2022 dated 14.04.2022 against the respondents 2 to 4 for the offences under Sections 147, 294(b), 323 and 506(1) IPC and Section 4 of TN Prohibition of Harassment of Women Act, 2002 and the second case in Crime No.128 of 2022 dated 14.04.2022 against the petitioner's father and brother for the offences under Sections 294(b), 307 and 506(2) IPC.

7. The learned counsel appearing for the petitioner would contend that three occurrences had taken place continuously starting from Punjab National Bank premises within the police limits of Cantonment Police Station, Tiruchirapalli, the residential house of Keela Vannarpettai,



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Puthur, within the limits of All Women Police Station, Srirangam and the residential house of Kailash Nagar within the limits of Thiruverambur Police Station, that the time sequences as well as the occurrences had been continuous and the same had taken place in three places, that though three police stations had coming into the picture, the offence has to be treated as single transaction and the investigation has to be done by a single police agency, that the petitioner is afraid by handling of the investigation by the above three police stations, that if they are permitted to continue their investigation in three police stations, the entire case may get spoiled and damaged and that therefore, the petitioner is constrained to file the above three petitions seeking orders to transfer the above cases to an investigating agency, preferably, the CBCID or any other investigating agency.

8. It is the specific complaint of the petitioner that though the complaint was lodged with the Inspector of Police, All Women Police Station, Srirangam on 02.07.2022, no action was taken.

9. As rightly pointed out by the learned counsel appearing for the petitioner, Thiruverambur Police Station, Tiruchirapalli registered two



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cases one in Crime No.127 of 2022 against the respondents 2 to 4 and another in Crime No.128 of 2022 against the petitioner's brother and father.

10. It is not in dispute that for the incident occurred in the Punjab National Bank premises, Cantonment All Women Police Station registered a case in Crime No.9 of 2022 dated 14.06.2022 against the respondents 2, 3 and 5 for the offences under Sections 498(A), 323, 294(b) and 506(1) IPC.

11. The learned Additional Public Prosecutor appearing for the State would submit that the complaint preferred before All Women Police Station, Srirangam is pending for enquiry and that in two other cases pending before Thiruverambur Police Station and Cantonment All Women Police Station, investigation is pending. He would further submit that on the basis of the complaint given by the third respondent Balamurugan, FIR came to be registered in Crime No.128 of 2022 against the petitioner's father Devaraj and brother Rajamoorthy for the offences under Sections 294(b), 307 and 506(2) IPC and in that case, investigation is pending.



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12. It is evident from the records that there existed matrimonial dispute between the petitioner and the second respondent.

13. It is further evident from the records that two FIRs in Crime Nos.127 and 128 of 2022 on the file of Thiruverambur Police Station and the other FIR in Crime No.9 of 2022 on the file of Cantonment Police Station came to be registered for the occurrences alleged to have taken place on 13.04.2022.

14. According to the petitioner, the time sequences as well as the occurrences had been continuous, but the same had taken place in three different places, within the limits of different police stations.

15. Considering the above facts and circumstances and also the submissions made by the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the State, this Court is of the clear view that this is not a fit case to transfer the investigating agency at this point of time, but at the same time, this Court is of the view that to have a proper investigation, all the cases are to be



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investigated by a single investigating officer. Hence, the Commissioner of Police, Trichy City, in consultation with the Superintendent of Police (Rural) is directed to appoint any Inspector of Police under his control for investigating the three cases in Crime Nos.127 and 128 of 2022 on the file of Thiruverambur Police Station and Crime No.9 of 2022 on the file of Cantonment All Women Police Station and the complaint pending before All Women Police Station, Srirangam and to nominate a police officer in the rank of Deputy Superintendent of Police/Assistant Commissioner of Police to monitor the investigation.

16. With the above directions, these Criminal Original Petitions are disposed of. Consequently, connected Miscellaneous Petitions are closed.

20.12.2022

Index : Yes / No
Internet : Yes / No
csm



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To

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Trichy City.
- 2.The Inspector of Police,
All Women Police Station,
Srirangam,
Tiruchirapalli-6.
- 3.The Inspector of Police,
All Women Police Station,
Cantonment,
Tiruchirapalli.
- 4.The Inspector of Police,
Law and Order,
Thiruverambur Police Station,
Thiruverambur,Tiruchirapalli.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
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