



WEB COPY



CRL.O.P.No.24090 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2023

CORAM:

**THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR**

CRL.O.P.No.24090 of 2022

P.Uma Mageshwari

... Petitioner/De-facto  
complainant

Versus

1.The District Superintendent of Police,  
Krishnagiri,  
Krishnagiri District.

2.The Assistant Superintendent of Police,  
Uthangarai Police Station,  
Uthangarai.

3.The Inspector of Police,  
Uthangarai Police Station,  
Krishnagiri District.  
(Crime No.278 of 2022)

... Respondents/Complainant

**PRAYER:** Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to transfer the investigation from the 3<sup>rd</sup> respondent Police to any other investigation agency to take necessary legal action against the accused persons with regard to the case in Crime No.278 of 2022 on the file of the 3<sup>rd</sup> respondent Police.

For Petitioner : Mr.R.Sasikumar

For Respondents : Mr.A.Gokulakrishnan  
Additional Public Prosecutor



## **ORDER**

WEB COPY

The petitioner/de-facto complainant in Crime No.278 of 2022 has filed this petition seeking transfer of investigation from the file of third respondent to any other investigation agency.

2. The grievance of the petitioner is that though on her compliant a case has been registered, all the persons, who were involved in the offence, have not been shown as accused in the F.I.R. except one Rathinakumar. According to the petitioner, she made specific complaint against one Geetha and Thenmozhi, who have not been shown as accused. The said Rathinakumar is a Revenue Inspector in Collectorate Office, Krishnagiri. Due to his acquaintance with the police, no action has been taken against Geetha, who is none other than his wife, and another accused Thenmozhi.

3. Learned Additional Public Prosecutor submits that in this case investigation completed, charge sheet made ready on 04.10.2022 and filed before learned Judicial Magistrate, Uthangarai and the same is yet to be taken on file. On completion of investigation, three persons have been arrayed as accused, namely, (i) A1-Rathinakumar, (ii) A2-Geethapriya, wife of A1 and (iii) A3-Thenmozhi. There are totally 9 witnesses examined and they were



CRL.O.P.No.24090 of 2022

shows as witnesses in the charge sheet. Charge sheet has been filed against A1 for offence under Sections 294(b) and 383 of I.P.C. and 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 1998 (TNPHW Act), against A2 for offence under Sections 294(b) and 506(ii) of I.P.C. and against A3 for offence under Section 294(b) of I.P.C. If the petitioner is aggrieved, she has to file a protest petition before the concerned Court and seek her remedy.

4. Considering the submissions made and on a perusal of the material, the petitioner's contention that two other accused, namely, Geetha Priya and Thenmozhi had been let off is not correct. They have been shown as accused Nos.2 and 3 and the charge sheet has already been filed before learned Judicial Magistrate, Uthangarai. It is for the petitioner to peruse the charge sheet and if aggrieved, she can file an appropriate petition before the concerned Magistrate, who shall consider the same on its own merits.

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

16.06.2023

Index : Yes/No  
rsi



WEB COPY



CRL.O.P.No.24090 of 2022

**M.NIRMAL KUMAR, J.**

rsi

To

- 1.The District Superintendent of Police,  
Krishnagiri,  
Krishnagiri District.
- 2.The Assistant Superintendent of Police,  
Uthangarai Police Station,  
Uthangarai.
- 3.The Inspector of Police,  
Uthangarai Police Station,  
Krishnagiri District.
- 4.The Public Prosecutor,  
High Court, Madras.

**CRL.O.P.No.24090 of 2022**

**16.06.2023**