



CrI.O.P.(MD)No.7210 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED:14.07.2023

CORAM

THE HON'BLE DR.JUSTICE D.NAGARJUN

CrI.O.P.(MD)No.7210 of 2023

Sinduja

... Petitioner

Vs.

1. The Commissioner of Police,
Madurai City, Madurai.

2. State by the Inspector of Police,
All Women Police Station,
Thilagarthidal, Madurai City,
Madurai District
in Cr.No.5/2021

3. Arun Babu

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records with regard to the final report in C.C No. 634/2022 on the file of the Judicial Magistrate No.I, Madurai and to set aside the same and consequently direct the 2nd respondent to conduct further investigation in Crime No.5/2021 on the file of the second respondent herein and to file the charge sheet afresh pursuance to the representation dated 13.06.2022.

For Petitioner : Mr.K.Jayabalan

For R1 and R2 : Mr.SS.Madhavan
Government Advocate (CrI. Side)



WEB COPY



CrI.O.P.(MD)No.7210 of 2023

ORDER

This petition is filed seeking for further investigation by the police based on a complaint given by him against the accused. The petitioner is the wife and she has filed a complaint against the third respondent/A1, Govindasamy/A2, Rani/A3, Uma Maheswari/A4, Jayakumar/A5 and Siva Bharathi/A65. After completion of investigation, police have filed the charge sheet alleging that the accused have committed offences punishable under Sections 498A, 403 and 506(1) of IPC.

2. It is submitted by the learned counsel for the petitioner in this application that the police have not done the investigation properly as they omitted to examine the Bank Manager to establish as to who has operated the bank locker in City Union Bank, Dindigul, not investigated as to whether the husband of the petitioner is an impotent and not investigated as to whether the accused has shifted his residence to Chennai.



Cr.L.O.P.(MD)No.7210 of 2023

WEB COPY

3. The petitioner/defacto complainant is expected to file an application under Section 173(8) of Cr.P.C., if she is not satisfied with the investigation, however, the petitioner without exhausting the remedy available under Section 173(8) of Cr.P.C. has directly approached this Court.

4. In view of the same, the petitioner is at liberty to approach the concerned learned Judicial Magistrate No.1, Madurai, and file application under Section 173(8) of Cr.P.C., and on such filing, the learned Judicial Magistrate is directed to consider the same, if it can be entertained, and pass orders on hearing all the parties concerned.

5. With the above direction, this petition is dismissed.

14.07.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PKN



CrI.O.P.(MD)No.7210 of 2023

WEB COPY

To

1. The Commissioner of Police,
Madurai City, Madurai.
2. The Inspector of Police,
All Women Police Station,
Thilagarthidal, Madurai City,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



CrI.O.P.(MD)No.7210 of 2023

DR.D.NAGARJUN,J

PKN

CrI.O.P.(MD)No.7210 of 2023

Dated: 14.07.2023