



Crl.O.P.(MD)No. 12952 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.07.2023

CORAM

THE HON'BLE DR.JUSTICE D.NAGARJUN

Crl.O.P.(MD)No. 12952 of 2023

Uma Maheswari

... Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
Virudhunagar,
Virudhunagar District.

3.The Inspector of Police,
Virudhunagar West Police Station,
Virudhunagar District
(In crime No.71 of 2023)

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the third respondent to record 161(3) statement from the petitioner and add him as a witness and proceed in accordance with law in the case in Crime No.71 of 2023.



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For Petitioner : Mr.M.Jothi Basu

For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Crl.side)

ORDER

This Criminal Original Petition is filed seeking for a direction to the third respondent to record the 161(3) statement of the petitioner in Crime No.71 of 2023.

2. It is submitted by the learned counsel for the petitioner that the petitioner's son has filed a complaint against four persons on which police have registered a case in Crime No.71 of 2023 for the offences under Section 294(b) and 323 of IPC and investigation is being taken up.

3. The learned counsel for the petitioner submits that the petitioner was also present at the time of alleged offence in Crime No.71 of 2023 and that she has also received injuries thereby sought for a direction to record her statement under Section 161 of Cr.P.C., during the course of investigation.



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4. The learned Additional Public Prosecutor submits that in the First Information Report, which was written in the hand writing of the petitioner's son and also in the statement recorded by the police under Section 161 of Cr.P.C., of the son of the petitioner and also in other statements recorded by other persons including eye witness, there is no mention that the petitioner was present at the scene of occurrence and received injuries. Therefore, the police have not recorded the statement of petitioner, as not relevant. It is also submitted that entire investigation is completed and that the police have recorded statements of 12 witnesses and charge sheet is filed by way of e-filing in F.No.STC 2582/2023, C.N.R.No.TNUROB012598/2023 dated 19.07.2023.

5. Once the investigation has already been completed and charge sheet is submitted to the concerned Magistrate Court, now at this stage, the petitioner has come forward with a direction to examine her.

6. The petitioner has not approached the Magistrate Court with a request to direct the investigating officer either to record her statement under Section 161 of Cr.P.C., or to take steps to record her statement under Section 164 of Cr.P.C., in Crime No.71 of 2023.



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7. Accordingly, this Criminal Original Petition is dismissed.

19.07.2023

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

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To

- 1.The Superintendent of Police, Virudhunagar District, Virudhunagar.
- 2.The Deputy Superintendent of Police, Virudhunagar,
Virudhunagar District.
- 3.The Inspector of Police, Virudhunagar West Police Station,
Virudhunagar District, (In crime No.71 of 2023)
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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DR.D.NAGARJUN, J.

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Order made in

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