



Crl.R.C.(MD).No.673 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 14.07.2023

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.RC(MD)No.673 of 2023

and

Crl.MP(MD)No.9414 of 2023

Antoine Berty

... Petitioner/1st Respondent/
(Proposed Accused)

Vs.

1.J.Jagulin Vinita

... 1st Respondent/Respondent/
(Complainant)

2.State Rep by

The Inspector of Police,
All Women Police Station,
Nagercoil,
Kanyakumari District.

... 2nd Respondent/2nd Respondent

PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C., to call for the records relating to the impugned order in Crl.MP.No. 1444 of 2022 passed by the learned Judicial Magistrate, Additional Mahila Court, Nagercoil (FAC) dated 23.02.2023 and set aside the same.

For Petitioner : Mr.KP.Narayanakumar



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For R1 : Mr.A.Anandaraj

For R2 : Mr.P.Kottaichamy

Government Advocate (Crl.Side)

ORDER

This petition has been filed by the petitioner to set aside the impugned order passed by the learned Judicial Magistrate, Additional Mahila Court, Nagercoil (FAC), in Crl.MP.No.1444 of 2022, dated 23.02.2023

2.The case of the prosecution is that the first respondent was working as Patient Safety Officer in Holi Cross Hospital, Nagercoil. The proposed accused is working as Doctor in the same Hospital. The proposed accused used to commit sexual assault upon the first respondent and also made life threat that if she failed to agree his demand, he would resign her from the job and kill her. Hence, she lodged a complaint before the All Women Police Station, Nagercoil, and she was directed to give complaint before the Nesamani Nagar All Women Police Station, Nagercoil. She also gave a complaint before the All Women Police Station, Nagercoil, and the same was acknowledged in CSR.No.257 of 2022. Subsequently, she was informed by the respondent police vide letter dated 15.06.2022 that the complaint given by her was closed on the ground that it was



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given as a counter blast for the action taken by the proposed accused against her for some Administrative Reasons. Hence, she filed a petition in Crl.MP.No.1444 of 2023 before the learned Judicial Magistrate, Additional Mahila Court (FAC), Nagercoil, under Section 156(3) Cr.PC. The learned trial Judge directed the second respondent police to register FIR on the basis of the complaint given by the first respondent dated 19.05.2022. Aggrieved over the same, the proposed accused filed this Revision.

3.The learned Additional Public Prosecutor would submit that as per order of the learned Judicial Magistrate, Additional Mahila Court (FAC), Nagercoil, case has been registered in Crime No.65 of 2023 for the offences under Sections 294(b), 354A(1)(i)(ii)(iv), 506(ii) IPC 4 of TNPHW Act. After conducting detailed enquiry, it has been closed.

4.At that time, the learned counsel for the first respondent made a request before this Court that liberty may be given to the first respondent to agitate the enquiry conducted by the second respondent police before the appropriate forum.



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5.Considering the submission made by the learned counsel for the first respondent, this Criminal Revision Case is closed with liberty to the first respondent to challenge the closure report of the second respondent police before the appropriate forum.

14.07.2023

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

To

- 1.The Judicial Magistrate Court No.II,
Sivakasi.
2. The Inspector of Police,
Sivakasi East Police Station,
Sivakasi, Virudhunagar District.
- 3.The Section Officer,
Criminal Records,
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN,J.

dss

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and
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