



*Crl.O.P.(MD) No.12329 of 2023*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **26.09.2023**

CORAM:

THE HONOURABLE DR.JUSTICE **D.NAGARJUN**

Crl.O.P.(MD) No.12329 of 2023

Sasikala

... Petitioner

Vs.

1. The Superintendent of Police,  
Trichy District.
2. The Deputy Superintendent of Police,  
CBCID, Trichy District.
3. The Inspector of Police,  
All Women Police Station,  
Manapparai,  
Trichy District.  
(Crime No.19/2022)

...Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to transfer the investigation of Crime No.19/2022 from the file of 3<sup>rd</sup> respondent to 2<sup>nd</sup> respondent/CBCID Police to conduct fair and impartial investigation in accordance with law.

For Petitioner : Mr.M.Rajkumar

For Respondent : Mr.SS.Madhavan,  
Government Advocate (Crl.Side)



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## **ORDER**

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This petition is filed seeking for a direction to transfer the investigation in Crime No.19 of 2022 from the file of the 3<sup>rd</sup> respondent to the file of the 2<sup>nd</sup> respondent CBCID Police in order to conduct fair and impartial investigation in accordance with law.

2.It is submitted by the learned counsel for the petitioner that the 1<sup>st</sup> accused has developed love with the petitioner and then, made an attempt to have sexual intercourse with her for which she has refused, stating that unless both of them get married, she will not allow him to have intercourse. Then, the 1<sup>st</sup> accused has informed her that if he approached the parents of the petitioner, they may not accept for the wedding proposal, thereby, the 1<sup>st</sup> accused hatched a plan to marry the petitioner without consent of the parents. However, the petitioner has refused it.

3.On 13.05.2022 at 08.00 p.m., when the petitioner was returning to home, the 1<sup>st</sup> accused and his friends / other accused forcibly taken the petitioner to the house of one Murugesan / 4<sup>th</sup> accused, who is the friend of the 1<sup>st</sup> accused, at Saanipatti. There also, the 1<sup>st</sup> accused made an attempt to have sexual intercourse, but she refused the same. On 14.05.2022, at early morning,



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the marriage ceremony of the petitioner with the 1<sup>st</sup> accused was conducted at Saanipatti Vinayagar Temple by one priest in the presence of the accused persons and the relatives of the 1<sup>st</sup> accused. Later, the 1<sup>st</sup> accused had sexual intercourse with the petitioner.

4.It is further submitted that twenty days thereafter, the petitioner was informed by other accused that since the petitioner has refused to have sexual intercourse with the 1<sup>st</sup> accused, all of them hatched a plan as if formal marriage was being performed and that the 1<sup>st</sup> accused was not really interested to marry the petitioner. Accordingly, the petitioner has filed a complaint before the Deputy Superintendent of Police, Manapparai on 01.06.2022. It was forwarded to All Women Police Station, Manapparai / 3<sup>rd</sup> respondent herein and a case has been registered in Crime No.19 of 2022 on 19.08.2022 against seven accused persons for the offences under Sections 366, 363, 417, 376, 496, 323, 120(b), 341 and 506(i) IPC and arrested one Sivanandam / 3<sup>rd</sup> accused and not other accused. Therefore, the petitioner has given a complaint on 18.08.2022 to the Superintendent of Police, Trichy, narrating all the facts, but, no action was taken.



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5.It is further submitted that the 1<sup>st</sup> accused has filed anticipatory bail in Crime No.19 of 2022, wherein the petitioner intervened and prayed the Court not to grant anticipatory bail. During the course of hearing of the anticipatory bail, the 1<sup>st</sup> accused proposed a compromise and this Court has also suggested both to live jointly as husband and wife and directed the 1<sup>st</sup> accused to file an affidavit to that extent. Based on the same, this Court granted anticipatory bail to the 1<sup>st</sup> accused. Thereafter, the petitioner went to the matrimonial home. When the petitioner has conceived, the petitioner's husband and his family members told that the baby formed at an inauspicious time and pregnancy was aborted at Vinayaga Hospital, Dindigul. Later, all the family members of the petitioner's husband / 1<sup>st</sup> accused quarreled with her and throw her out of the house. It is the contention of the petitioner that though there is an ample evidence against all the accused persons, the Police have not been conducting the investigation properly. Therefore, sought for transfer of investigation.

6.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the 1<sup>st</sup> respondent.



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7.It is the grievance of the petitioner that even though there is a material to show that the pregnancy of the petitioner was aborted at Vinayaga Hospital, Dindigul, the Doctor concerned was not examined and the statement of the Doctor concerned was not recorded. After pointing out the same in the Court, the respondent Police have recorded the statement of the Doctor concerned at Vinayaga Hospital, Dindigul. As rightly submitted by the learned counsel for the petitioner, even though a case has been registered in Crime No. 19 of 2022, investigation is not done properly. Very fact that the accused were neither arrested nor issued notice under Section 41A Cr.P.C. The prosecution of the investigation has not been placed before the Court. There is no suitable answer as to why investigation is pending so long.

8.Considering the facts and circumstances of the case, since the investigation is not done properly by the 3<sup>rd</sup> respondent Police, the investigation of this case is ordered to be transferred from the 3<sup>rd</sup> respondent Police to the Deputy Superintendent of Police, Manapparai, Trichy District, who in turn, shall complete the investigation and file charge sheet before the Court concerned, as quickly as possible, if necessary by re-examining the witnesses again.



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**WEB COPY** 9. With the above observation, this Criminal Original Petition is disposed of.

**22.09.2023**

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

*Yuva*

***Note: Issue Order copy on 29.09.2023.***

To

1. The Superintendent of Police,  
Trichy District.
2. The Deputy Superintendent of Police,  
CBCID, Trichy District.
3. The Inspector of Police,  
All Women Police Station,  
Manapparai,  
Trichy District.
4. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**DR.D.NAGARJUN. J.**

*Yuva*

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