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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 23/02/2023

CORAM

The Hon'ble Mr.Justice **G.ILANGO VAN**

Cr1.RC(MD)Nos.1096, 1105, 1108 and 1147 of 2022

(1)Cr1.RC(MD)No.1096 of 2022:-

R.Shanmugapriya : Petitioner/De-facto
Complainant
Vs.

1.The Inspector of Police,
South Police Station,
Thanjavur District. : 1st Respondent/
Complainant

2.Sumitha
3.Sathiyavathy
4.Vijayakanth : R2 to R4/
Proposed A1, A2 and A3

Prayer:-This Criminal Revision has been filed under section 397 r/w 401 of the Criminal Procedure Code, to call for the records pertaining to the impugned order passed by the Judicial Magistrate No.1, Thanjavur, in Cr.MP No.2302 of 2022, dated 31/10/2022 and set aside the same.

For Petitioner : Mr.G.Karuppasamy Pandian

For 1st Respondent : Mr.SS.Madhavan
Government Advocate
(Criminal side)

For R2 to R4 : Mr.A.Arun Prasad



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(2) Cr1.RC(MD) No.1105 of 2022 :-

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R.Shanmugapriya

: Petitioner/De-facto
Complainant

Vs.

1.The Inspector of Police,
South Police Station,
Thanjavur District.

: 1st Respondent/
Complainant

2.Sathiyavathy
3.Vijayakanth
4.Vijayakumari
5.Revathy
6.Jeyaprakash
7.Sumitha

: R2 to R7/
Proposed A1 to A6

Prayer:-This Criminal Revision has been filed under section 397 r/w 401 of the Criminal Procedure Code, to call for the records pertaining to the impugned order passed by the Judicial Magistrate No.1, Thanjavur, in Cr.MP No.2346 of 2022, dated 31/10/2022 and set aside the same.

For Petitioner : Mr.G.Karuppasamy Pandian

For 1st Respondent : Mr.SS.Madhavan
Government Advocate
(Criminal side)

For R2 to R7 : Mr.A.Arun Prasad



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(3) Cr1.RC(MD) No.1108 of 2022 :-

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R.Shanmugapriya

: Petitioner/De-facto
Complainant

Vs.

1.The Inspector of Police,
South Police Station,
Thanjavur District.

: 1st Respondent/
Complainant

2.Sathiyavathy

3.Sumitha

4.Vijayakanth

5.Sarpesh,

MR Manager,

Hotels Association,

Thanjavur,

Thanjavur District.

: R2 to R5/
Proposed A1 to A4

Prayer:- This Criminal Revision has been filed under section 397 r/w 401 of the Criminal Procedure Code, to call for the records pertaining to the impugned order passed by the Judicial Magistrate No.1, Thanjavur, in Cr.MP No.2303 of 2022, dated 31/10/2022 and set aside the same.

For Petitioner : Mr.G.Karuppasamy Pandian

For 1st Respondent : Mr.SS.Madhavan
Government Advocate
(Criminal side)

For R2 to R4 : Mr.Arun Prasad

For 5th Respondent : No appearance



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(4) Cr1.RC(MD) No.1147 of 2022 :-

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R.Shanmugapriya

: Petitioner/De-facto
Complainant

Vs.

1.The Superintendent of Police,
SP Office,
Thanjavur District.

2.The Inspector of Police,
South Police Station,
Thanjavur,
Thanjavur District.

: R1 and R2/Complainants

3.Kabilan,
Deputy Superintendent of Police,
(At present he is attached to
City Crime Branch, Chennai)

4.Chandra,
The Inspector of Police,
West Police Station,
Thanjavur District.

5.Sathiyavathy
D/o.Natarajan
(Constable-1004)
Medical College Police Station,
Thanjavur.

6.Madhavaraj
Red. Police Officer,

7.Sumitha

8.Vijayakanth

9.Vijayakumari

10.Revathy

11.Jeyaprakash

12.Muruganantham

: R5 to R12/
Proposed A4 to A11



Prayer:- This Criminal Revision has been filed under section 397 r/w 401 of the Criminal Procedure Code, to call for the records pertaining to the impugned order passed by the Judicial Magistrate No.1, Thanjavur, in Cr.MP No.2304 of 2022, dated 31/10/2022 and set aside the same.

For Petitioner : Mr.G.Karuppasamy Pandian
For 1st Respondent : Mr.SS.Madhavan
Government Advocate
(Criminal side)
For R7 and : Mr.A.Arun Prasad

COMMON ORDER

All the criminal revisions have been filed seeking to set aside the separate order passed by the trial court, in all cases.

2.The facts in brief in Cr1.RC(MD)No.1147 of 2022:-

The petitioner was married to one Jeyapal in 2011. Because of the marriage, they got two children. Divorce occurred between her father and mother. So the mother was taken by her and she was working in a private school and her husband was working in Sangam Hotel. Later, she came to know that some illegal intimacy occurred between her



<https://www.mhc.tn.gov.in/judis>



police personnel rescued her. She was threatened not to disclose the same to any other person. During the police enquiry, she demanded the above said articles, money, etc. But thereafter, she was also threatened to foist a false case. On 24/05/2002, she was informed that her house was opened. So she went there and at the time, she found that all the house-hold articles were missing, apart from vehicles, birds, animals, etc. On enquiry with the neighbours, she was informed that on the previous day night at about 08.00 pm, the above said accused persons removed all the articles, furniture, etc. in a Van. Over the above said, she lodged a complaint with the South Police Station, Thanjavur. It was forwarded to the Deputy Superintendant of Police, Thanjavur Town. At the time of enquiry, she was handed over with LIC bonds. But other jewels and documents were not returned. No proper action was also taken against the accused. She contacted her mother at-least to return the children to her. But she was abused. That is why, she got depressed and consumed sleeping tablets. Even though, it was informed by her father to the police, no action was taken. The mother also insisted her to give a false complaint against one Sakthivel, who was her Advocate.



She lodged several complaints against those persons. It was enquired by the Deputy Superintendant of Police, Thanjavur and no fair enquiry was undertaken and the children were not produced before the Enquiry Officer. On 31/05/2022, she was taken to Thanjavur AWPS and detained in the lock up room. She was assaulted by the police personnels namely Chandra, Pothumani, Jeyanthi and others. She was produced before the court on the next day. She was in custody for 7 days. After release from the jail, she went her home, but the articles were found missing. But as per the statement-complaint given, the above said Kapilan, the Deputy Superintendent of Police has not conducted any proper enquiry.

3. With these allegations, she lodged a private complaint in Cr.M.P No.2304 of 2022 before the trial court.

4. The brief facts in Cr1.RC(MD)No.1096 of 2022:-

The averments, as stated in the above said complaint, she came to know that by misusing her smart card, articles worth about Rs.105/- has been purchased.



They also removed the name of the mother of the complainant by name Sumitha in the smart card and in turn, it was obtained by giving the address of the above Police Constable Sathiyavathy. It was also transferred to the present address without her consent. Over which also, she gave a complaint to the South Police Station, Thanjavur. But there was action.

5. With these allegations, she filed CrI.M.P No. 2302 of 2022 before the trial court.

6. The brief facts in CrI.RC(MD)No.1108 of 2022:-

The petitioner was married to one V.Jeyapal. He died, on 18/05/2022 due to Brain Tumour. Right from the date of death of her husband, her mother-in-law Sumitha and her in-laws namely Sathiyavathy and Vijayakanth are attempted to grab the property, which is standing in the name of her husband. She is having two minor daughters. The first daughter lodged a complaint against her and her counsel, over which, a case was registered and the petitioner was remanded to custody on 01/06/2022 and later released on bail, on 07/07/2022. After release from



the prison, on checking her statement of accounts, it was found a sum of Rs.1,51,037/- was transferred through UPI transaction to her account. A sum of Rs.600/- was done through ATM. Later, that was blacked by her. They also used her smart card for purchasing gift articles worth about Rs.105/-, on 06/06/2022. Her Gas Cylinder was also misused. Her husband death benefit was credited in his account to the tune of Rs.50,896/-. But the above said amount was attempted to be misappropriated by the accused. Later, it was found that the entire amount has been taken from her husband's account. Over which, she lodged a complaint, on 04/08/2022. But there was no action.

7.With this allegation, she filed CrI.M.P No.2303 of 2022 before the trial court.

8.The facts in brief in CrI.RC(MD)No.1105 of 2022:-

CrI.MP No.2346 of 2022 was filed by this petitioner against six persons with the following allegations:- To grab the property of her husband, she was locked in a room and her two minor daughters were also taken by the accused. Over which, she gave a complaint to All Women



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Police Station, Thanjavur and they were rescued. Over the above said occurrence, the respondents were inimical. A case in Crime No.17 of 2022 was foisted upon her and her counsel with the influence of one Chandra, who was working as temporary Sub Inspector in All Women Police Station, Thanjavur. The first accused was also working there as Police Constable. After getting bail, she returned to the house and applied for legal heirs certificate. At that time, she was found that some other person registered in her name for obtaining legal heirs certificate. On enquiry, it was found that it was made by Head Constable Sathiyavathy. Her husband aadhar card has been misused and her signature was also forged in the above said application. Over which, she gave a complaint to the South Police Station, Thanjavur, on 04/08/2022. But there was no action. So seeking action, the above said petition was filed under section 156(3) of the Criminal Procedure Code before the trial court.

9.All the petitions that are filed by the petitioner were dismissed by the trial court, of course by separate orders. Challenging all those dismissal orders, these criminal revisions have been preferred.



10. Heard both sides. With regard to the police complaint also, records have been called for and perused.

11. In the light of the above said allegations, now we will straightaway go to the findings of the police enquiry.

12. Now we will take up the enquiry undertaken by the Deputy Superintendent of Police, on 06/06/2022. Wherein he has stated that he enquired the above said Manju Barkavi, who is the friend of the petitioner with regard to the handing over of the jewels. She has stated that no such jewel was handed to her.

13. Similarly another friend namely Jayanthi also told that without her knowledge, one bag was put inside her bedroom by the petitioner. That bag was also handed over at the time of enquiry. It contained LIC bonds, Will, land documents, etc.

14. Similarly, one Ramesh was also enquired. He has also stated that no such occurrence took place, the complaint was lodged because of the above said enmity.



But he was advised to approach the Ammapettai police station in respect of other allegations. So the Inspector of Police, attached to South Town Police Station has also made enquiry with regard to the illegal transfer of money from the account of the petitioner's husband, using of aadhar card and misuse of the ration card and taking Gas Cylinder illegally and steal away all the documents, money and 5 sovereigns of gold jewels. He also sent an enquiry report stating that during his enquiry, the mother of the petitioner has given statement that after the death of husband, the petitioner's conduct was not good and had illegal intimacy with her Advocate namely Sakthivel. When that was condemned by her, she was threatened. Over which, she gave a complaint before the All Women Police Station, Thanjavur. In the enquiry, the petitioner wanted to live with the above said Sakthivel. The minor children are in the custody of herself. The entire medical expenses were born by the relatives. The complaint was given by her grand-daughter namely Krishtha against the petitioner and the above said Sakthivel. Over which, a case in Crime No.17 of 2022 under the provisions of POCSO Act and Special Act were registered. In the enquiry, along with Sathivel, she gave



confession statement under section 164 of the Criminal Procedure Code. Because of the above said only, she has given such a false complaint. So it was found that the above said complaint itself is a false one. That report was also sent to the Superintendent of Police.

15. Reading of the above said enquiry report of the Deputy Superintendent of Police and the Inspector of Police, attached to South Town Police Station, Thanjavur, give a full picture about the controversy.

16. Now the petitioner stated to have some illegal intimacy with the above said Sakthivel. Because of that only, her mother says that trouble has arisen and on the basis of the complaint given by the one of the daughters, a case in Crime No.17 of 2022 was registered against the above said Sakthivel. Continuous enmity exists between the mother and the daughters, over the above said issue. So because of that only, continuous complaints have been given, implicating all the persons by one way or other such as criminal intimidation, falsification of records, illegal transfer of of money, etc. So absolutely, no foundation was found during the enquiry by the police.



Because of the enmity only, it appears that as mentioned earlier, continuous complaints have been given against all.

17. The learned counsel appearing for the petitioner, at the time of argument, would submit that when serious allegation of forging of records, transfer of money, misuse of ATM Card, Ration Card and Gas Cylinder Card, all those things ought to have been properly enquired by the police; But that was not done; Even the learned Judicial Magistrate did not take into account all those allegations properly.

18. Per contra, the learned counsel appearing for the private respondents and the learned Additional Public Prosecutor appearing for the State would submit that because of the above said issue between the daughters and mother, all the complaints have been given without any true facts and circumstances.

19. Perusal of the entire records also shows that there was no truth in the allegations made by the petitioner. Only to harass the respondents, several cases



have been given to harass the private respondents. This should not be encouraged. So, I find no reason to interfere in the orders passed by the Judicial Magistrate in all matters.

20. In the result, all the criminal revisions are **dismissed.**

23/02/2023

Index: Yes/No
Internet: Yes/No
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To,

1. The Judicial Magistrate No.1,
Thanjavur.
2. The Inspector of Police,
South Police Station,
Thanjavur.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G . ILANGO VAN , J

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Cr1.RC(MD)Nos.1096, 1105, 1108 and 1147 of 2022

23/02/2023



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