



Crl.O.P.(MD)No.19549 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.11.2023**

CORAM

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

Crl.O.P.(MD) No.19549 of 2023

Rengammal

... Petitioner/Defacto
Complainant

Vs.

The Inspector of Police,
Gandarvakottai Police Station,
Gandarvakottai,
Pudukkottai District.
(Crime No.128 of 2019).

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the respondent to file a final report in Crime No.128 of 2019, dated 22.05.2019 on the file of the respondent for the offences under Sections 294(b), 355, 323 and 506(ii) of IPC within the time frame stipulated by this Court.

For Petitioner : Mr.K.C.Maniyarasu

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor.



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ORDER

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This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to direct the respondent to file a final report in Crime No.128 of 2019, dated 22.05.2019 on the file of the respondent for the offences under Sections 294(b), 355, 323 and 506(ii) of IPC within the time frame stipulated by this Court.

2. **The facts in brief:** The petitioner/defacto complainant lodged a complaint stating that her son namely Senthil Nathan was married to Sumithra and he is working in abroad. There is issue between the defacto complainant's son and his wife, over which, a suit is pending before the District Munsif Court, Pudukkottai. A complaint was given by Sumithra against her husband and others, over which, they were frequently called for enquiry or investigation as the case may be.

3. On 24.01.2019, the defacto complainant's husband received a phone call from the respondent Police, stating that Sumithra will come to your house on Sunday and she will stay there. On 27.01.2019, Sumithra came to the defacto complainant's house along with some other persons.



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At that time, those persons assaulted the defacto complainant's daughter namely Siva, over which, another complaint was given, that was also enquired. On 27.01.2019, Sumithra staying in the house along with her parents. At that time, the defacto complainant was criminally intimidated and abused. On 31.01.2019. at about 6.00 a.m., Sumithra picked up quarrel with the defacto complainant and caused assault to her with wooden log. She was taken to the hospital. Even though the complaint was given, no proper action was taken by the respondent Police. Only after getting order form the learned Judicial Magistrate No.I, Pudukkottai, in Cr.M.P. No.1596 of 2019, a case was registered against Sumithra and others. Seeking a direction to file the Final Report, this petition has been filed.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent.

5. Heard both sides.



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6. The learned Additional Public Prosecutor would submit that after completing the investigation, finding that, the complaint is exaggerated and false one, it was closed as mistake of facts and RCS notice is also prepared.

7. The learned counsel for the petitioner would submit that since the petitioner suffered serious injury, he need not have exaggerated.

8. On going through the photograph, this Court found that the defacto complainant namely petitioner suffered severe injury. It ought not to have been closed without proper investigation. Injury ought to have been explained by the Investigation Officer in a proper manner. But reading of the Final Report does not even indicate the nature of the injury, the manner, in which the defacto complainant sustained injury and etcetera facts. It has been simply stated that, the defacto complainant was not assaulted, only to wreck vengeance upon Sumithra, the false complaint has been given. In the complaint itself, it is clearly stated that the defacto complainant was taken to the hospital for treatment, but the wound certificate, statement of the Doctor, who treated the petitioner



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were not properly secured by the respondent Police.

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9. In these circumstances, this Court in normal circumstances would have directed the petitioner to work out her remedy before the concerned trial Court by filing a proper complaint. But so far this case is concerned, when injuries are visible and that too the petitioner is an old lady, by exercising the power under Section 482 of Cr.P.C., to meet out the ends of justice, there shall be a direction to the respondent Police to re-open the complaint, and further investigation shall be undertaken by the respondent Police under the direct supervision of the Deputy Superintendent of Police, Gandarvakkottai. The above said investigation process be completed within a period of three months from the date of receipt of copy of this order.

10. With the above said direction, this Criminal Original Petition is disposed of.

02.11.2023

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

G.ILANGOVAN,J.



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WEB COPY To

- 1.The Inspector of Police,
Gandarvakottai Police Station,
Gandarvakottai,
Pudukkottai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
Crl.O.P.(MD)No.19549 of 2023

Dated: 02.11.2023