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CrI.O.P.(MD)No.21709 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.12.2023**

CORAM:

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

CrI.O.P.(MD)No.21709 of 2023

Rekha

... Petitioner

Vs.

1.The Superintendent of Police,
O/o Pudukottai – Ramanathapuram Road,
Kajamalai colony,
Trichy District.

2.The Deputy Superintendent of Police,
Trichy District.

3.The Inspector of Police,
Musiri Police Station,
Trichy District.

4.The Sub Inspector of Police,
Musiri Police Station,
Trichy District.

5.Rajeshwari

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the Investigating officer to collect the evidence available with the petitioner and the CCTV Footage and then proceed in the investigation based on the evidences in Crime No.266/2023.



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Crl.O.P.(MD)No.21709 of 2023



For Petitioner : Mr.M.Saravanan

For R1 to R4 : Mr.M.Sakthi Kumar
Government Advocate (Crl.side)

ORDER

This Criminal Original Petition has been filed to direct the Investigating officer to collect the evidence available with the petitioner and the CCTV Footage and then proceed in the investigation based on the evidences in Crime No.266/2023.

2. The grievance of the petitioner is that the based on the complaint given by the fifth respondent a case has been registered in Crime No.266 of 2023 for the offences under Section 147, 148, 341, 324, 302 of IPC and the third respondent started investigation. During investigation they arrayed the husband of the petitioner as sixth accused in the case. But the third respondent has not collected the CCTV footage available near the place of occurrence and if the footages are collected the respondent may arrive at conclusion that her husband is not present in the scene of occurrence and involved in the crime. Hence she had made an representation before the respondents 1 and 2 but they have not considered the same, hence the present petition came to be filed.



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3. The learned Government Advocate(Crl.Side) would submit that the husband of the petitioner is absconding and filing this petition through his wife, if at all he is not involved in the occurrence he can approach the respondent and seek his remedy.

4. The representation was made by this petition to secure the CCTV footage in the nearby areas. The grievance of the petitioner is that in the place of occurrence her husband was not present. But arrayed as A6 in Crime No.266 of 2023 for the offences under Section 147, 148, 341, 324, 302 of IPC.

5. During the course of investigation the involvement of the petitioner came to light based on the confession statement of the co-accused. All the accused have been arrested except this petitioner's husband. Now search is going on. Pending investigation this petitioner who is the wife of the accused has filed this petition which is not at all maintainable. If at the husband of the petitioner is not an accused he has to appear before the respondent and co-operate with police for the completion of investigation. Hiding the accused this petition is filed which is clear mis use of process of the court. The petition deserves no consideration at all and the petition deserves to be dismissed.



CrI.O.P.(MD)No.21709 of 2023

WEB COPY

6. Accordingly the petition stands dismissed.

01.12.2023

Index : Yes/No

Internet : Yes/No

AAV

To

- 1.The Superintendent of Police,
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Kajamalai colony,
Trichy District.
- 2.The Deputy Superintendent of Police,
Trichy District.
- 3.The Inspector of Police,
Musiri Police Station,
Trichy District.
- 4.The Sub Inspector of Police,
Musiri Police Station,
Trichy District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN. J.

AAV

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