



CRL.O.P (MD) No.3027 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 03.04.2024

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THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL.O.P (MD) No.3027 of 2024

Sirumani

... Petitioner

Vs

1. The Commissioner of Police,
O/o the Commissioner of Police,
Madurai City.

2. The Assistant Commissioner of Police,
O/o the Assistant Commissioner of Police,
Thirupparankundram Road,
Avaniyapuram, Madurai.

3. The Inspector of Police,
Avaniyapuram Police Station,
Avaniyapuram.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to transfer the investigation in Crime No. 34/2024 dated 24.01.2024 and connected complaint dated 10.01.2024 on the file of the 3rd respondent police to the 2nd respondent and direct the 2nd respondent to submit a status report within a time stipulated by this Court.



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For Petitioner : Mr.A.Rajini

For Respondents: Mr.M.Sakthi Kumar
Government Advocate (Crl. side)

ORDER

This criminal original petition has been filed seeking to transfer the investigation in Crime No. 34/2024 dated 24.01.2024 and connected complaint dated 10.01.2024 on the file of the 3rd respondent police to the 2nd respondent and direct the 2nd respondent to submit a status report within a stipulated time.

2.The grievance of the petitioner is that her complaint has not been investigated by the respondent police. On 10.01.2024, the accused have abused the de-facto complainant by degrading her community and also teared her blouse for which she lodged a complaint with the second respondent on 10.01.2024. But the respondent Police has not taken any action.



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3.The learned Government Advocate (Crl. Side) appearing for the respondents submits that one Mohan was assaulted by this petitioner's husband and he sustained grievous injury. Based on the complaint of the said Mohan, a case has been registered against the petitioner's husband in Crime No.34 of 2024. Due to previous enmity, a case has been foisted by the petitioner by invoking the provision under SC/ST Act. Based on the complaint of the petitioner, the respondent police have conducted a petition enquiry and the same was closed.

4.This Court considered the rival submissions made.

5.The petitioner has lodged a complaint on 10.01.2024, as if she has been assaulted, abused and the accused outraged her modesty and the same was closed. In that event, if the complaint of the petitioner is closed, the respondent Police have to furnish a copy of the closure report to the petitioner enabling the petitioner to agitate the same in a manner known to law.

6.The respondent Police are directed to furnish the closure report



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to the petitioner within a period of two weeks from the date of receipt of a copy of this order. The respondent Police are expected to file a final report before the concerned Judicial Magistrate enabling the petitioner to file a protest petition. If any protest petition has been filed, the concerned Judicial Magistrate shall consider the case of the petitioner and shall take appropriate action.

7. Accordingly, this Criminal Original Petition is closed.

03.04.2024

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

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To

1. The Commissioner of Police,
O/o the Commissioner of Police,
Madurai City.

2. The Assistant Commissioner of Police,
O/o the Assistant Commissioner of Police,
Thirupparankundram Road,
Avaniyapuram, Madurai.

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3. The Inspector of Police,
Avaniyapuram Police Station,
Avaniyapuram.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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