



CrI.O.P.(MD) No.3514 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2024

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.3514 of 2024

Pandimeenal

...Petitioner

VS

**1.The District Superintendent of Police,
O/o.The District Superintendent of Police,
Trichy, Trichy District.**

**2.The Inspector of Police,
All Women Police Station, Manapparai,
Trichy District.**

**3.The Inspector of Police,
CBCID, Trichy, Trichy District.**

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to transfer the investigation in connection with Cr.No.2 of 2024 from the file of the second Respondent to CBCID/3rd Respondent or any other independent investigation agency under the supervision of the first Respondent based on the Petitioner's representation, dated 23.02.2024 within a stipulated period as may be fixed by this Court.



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For Petitioner : Mr.A.Joel Paul Antony
For R1 to R3 : Mr.B.Thanga Aravindh
Government Advocate (crl.side)

ORDER

The Criminal Original Petition had been filed seeking to transfer the investigation in connection with Cr.No.2 of 2024 from the file of the second Respondent to CBCID/3rd Respondent or any other independent investigation agency under the supervision of the first Respondent based on the Petitioner's representation, dated 23.02.2024 within a stipulated period as may be fixed by this Court.

2.The learned Counsel for the Petitioner submitted that the Petitioner before her marriage was in love with one Karunakaran of the same village. Subsequently, she came to know that Karunakaran does not have qualities that she expected from her man. Therefore, she separated from him and she married her maternal uncle. In the course of the marriage with the maternal uncle, she was blessed with two daughters. Now, when she is living happily in the matrimonial life, her previous lover had threatened her by releasing



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her photos and videos on the social network. Therefore, scared of the same, she lodged a complaint with the second Respondent. The second Respondent had registered a case in Cr.No.2 of 2024 for offences punishable under Sections 294(b) and 509 of IPC r/w Section 4 of Tamilnadu Prohibition of Harassment of Women Act. Till date, the second Respondent had not proceeded with the investigation. Therefore, the Petitioner seeks withdrawal of the investigation from the Inspector of Police, All Women Police Station, to any other Officer or to the CB-CID, Trichy.

3.The learned Government Advocate (Crl.side), on instructions from the second Respondent submitted that when the Petitioner was summoned by the Inspector of Police, All Women Police Station, Manapparai, Trichy District, she had appeared before the Inspector of Police, All Women Police Station and stated that her mobile was damaged by her husband, maternal uncle. She, therefore, is unable to produce the mobile phone. Therefore, the investigation cannot proceed further. The learned Government Advocate (Crl.side) seeks co-operation of the *de-facto* Complainant in the investigation. After lodging the complaint, she had not co-operated with the



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investigation.

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4.To the query of the Court to the learned Government Advocate (Crl.side), whether the accused was summoned and his mobile was examined, he is unable to answer. Therefore, the Investigation Officer is directed to issue summon to the accused and secure the mobile as per the reported ruling of the Hon'ble Supreme Court in ***Arnesh Kumar Vs. State of Bihar and another*** reported in ***2014 (8) SCC 273***. The Superintendent of Police, Trichy Rural, is directed to nominate a Senior official in the rank of Additional Superintendent of Police or Deputy Superintendent of Police to monitor the investigation as it involves the dignity of a woman being threatened by a person, who had been her earlier acquaintance.

With the above directions, this ***Criminal Original Petition*** is disposed of.

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

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To

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2.The Inspector of Police,
All Women Police Station, Manapparai,
Trichy District.

3.The Inspector of Police,
CBCID, Trichy, Trichy District.



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SATHI KUMAR SUKUMARA KURUP, J.

cmr

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