



WEB COPY



CrI.O.P.(MD) No.4470 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.04.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL.O.P (MD) No.4470 of 2024

Suganya,

... Petitioner

Vs

The State represented through
The Inspector of Police,
Singampunari Police Station,
Sivagangai District.
Cr.No.19/2022.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the respondent police to comply the order passed by this Court in CrI.O.P.(MD).No.18765/2023 dated 09.01.2023 and subsequently to take the case on the file which is pending before the learned special Court for the exclusive trial of POCSO Cases, Sivagangai District, within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.R.Karunanidhi

For Respondent : Mr.B.Thanga Aravindh
Government Advocate (CrI. side)



WEB COPY



Crl.O.P.(MD) No.4470 of 2024

ORDER

This criminal original petition has been filed seeking a direction to the respondent police to comply with the order passed by this Court in Crl.O.P.(MD).No.18765 of 2023 dated 09.01.2023 and subsequently to take the case on the file, which is pending before the Special Court for the exclusive trial of POCSO Cases, Sivagangai District.

2.The learned Government Advocate (Crl.Side) submits that the learned Judicial Magistrate concerned returned the final report on the difference in the name of the birth certificate issued for the petitioner's child. Since the petitioner and the accused were living together without performing a marriage, while admitted for child birth before the hospital, the petitioner has furnished a wrong name as her husband and therefore a wrong name is reflected in the Birth Certificate. By referring the name reflected in the Birth Certificate, the learned Judicial Magistrate has not taken up the complaint.



CrI.O.P.(MD) No.4470 of 2024

3.This Court considered the rival submission made.

WEB COPY

4.In view of the submission made by the learned Government Advocate (CrI.Side), this criminal original petition is disposed of with a direction to the petitioner to appear before the respondent police within a period of six weeks, from the date of receipt of a copy of this order and clarify the defects if any. The respondent police shall get necessary statement and conclude further course of action, two weeks thereafter. The respondent police shall re-present the same final report along with the statement to be recorded from the petitioner herein.

02.04.2024

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

LR



Crl.O.P.(MD) No.4470 of 2024

To

1.The Inspector of Police,
Singampunari Police Station,
Sivagangai District.

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



WEB COPY



Crl.O.P.(MD) No.4470 of 2024

B.PUGALENDHI, J.

LR

CRL.O.P (MD) No.4470 of 2024

02.04.2024