



Crl.O.P.(MD) No.5523 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.04.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL.O.P (MD) No.5523 of 2024

and

CRL.M.P.(MD).No.4272 of 2024

Veeraselvi

...Petitioner

Vs

**1.The Inspector General of Police,
South Zone,
77, 4th Street, K.K.Nagar,
Ramaond Reserve Line,
Race Course Colony, Madurai.**

**2.The Superintendent of Police,
Virudhunagar,
Virudhunagar district.**

**3.The Deputy Superintendent of Police,
Sattur Sub-Division,
Virudhunagar District.
(Crime No.41 of 2024)**

**4.The Inspector of Police,
Irukkankudi Police Station,
Virudhunagar District.**

...Respondents



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PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to withdraw the case in Crime No.41 of 2024, on the file of the respondents 3 and 4 and transfer the same to any other investigating agency.

For Petitioner : Mr.S.Vellaichamy
For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

This criminal original petition has been filed seeking to withdraw the case in Crime No.41 of 2024, on the file of the respondents 3 and 4 and transfer the same to any other investigating agency.

2.The learned Counsel appearing for the petitioner submitted that this case was registered on the direction of the Special Court, wherein the petitioner was abused by referring her community for the which the petitioner has lodged a complaint before the respondent police. The respondent police has not taken any action and therefore, a case was registered on the direction of the Special Court.



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3. On 21.03.2024, the accused has filed an application to quash the F.I.R and in the said application, the respondent police had stated that they are closing the case as a mistake of fact. Based on the statement of the respondent police, the said application was closed.

4. Considering the conduct of the accused in representing this matter by filing application within a period of 10 days and the respondent police has closed the case as a mistake of fact, the petitioner herein apprehends that the respondent police may not conduct the investigation in a proper and fair manner. Therefore, the petitioner has approached this Court seeking to transfer the investigation from the file of the 3rd and 4th respondents to some other agency.

5. The learned Additional Public Prosecutor submitted that the respondent police has registered the case, conducted an investigation and found that the complaint of the petitioner is a false one. Since the case was initially registered under the provisions of SC/ST (Prevention of Atrocities) Act, the decision has to be taken by the Committee which is constituted for



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this purpose. Depending upon the decision of the Committee, further course of action will be taken by filing a final report before the concerned police station.

6.This Court considered the rival submissions made.

7.A protection has already been provided under the provisions of SC/ST (Prevention of Atrocities) Act. In the event, if the respondent police has not conducted the investigation in a proper manner, a committee has to be constituted by the District Collector to look into the complaint and the materials collected by the investigation agency and take a decision whether to accept the police report or not. If the final report is filed before the concerned Court, the petitioner is having right to raise his objection by filing a protest petition. The concerned Magistrate shall take a decision on the protest petition either by permitting the petitioner to file a private complaint or by referring this case for further investigation.

8.Therefore, this Court is not inclined to pass any orders at this stage. Accordingly, this Criminal Original Petition is dismissed with liberty to the



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petitioner to approach the concerned Court by challenging the final report.

Consequently, connected miscellaneous petition is closed.

12.04.2024

NCC : Yes/No

Internet: Yes/No

Index: Yes/No

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To

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Race Course Colony, Madurai.
- 2.The Superintendent of Police,
Virudhunagar,
Virudhunagar district.
- 3.The Deputy Superintendent of Police,
Sattur Sub-Division,
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- 4.The Inspector of Police,
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B.PUGALENDHI, J.

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

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and

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