



Crl.O.P.(MD)No.8847 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.02.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.8847 of 2022

and

Crl.MP(MD)No.5950 of 2022

R.Jegatha

... Petitioner/Defacto Complainant

Vs.

1.The Inspector of Police,
All Women Police Station,
Kanyakumari District.
(Crime No.1 of 2018)

2.Mathivanan

... Respondents/Respondents

(R2 is suo-motu impleaded vide order dated 12.07.2022
in Crl.MP(MD)No.7964 of 2022)

PRAYER:- Petition filed under Section 482 of Cr.P.C., to call for the records in Memo dated 30.03.2022 in C.C.No.228 of 2021 on the file of the learned Judicial Magistrate, Mahila Court, Tirunelveli and set aside the docket order passed in Memo dated 30.03.2022 in C.C.No.228 of 2021 on the file of the learned Judicial Magistrate, Mahila Court, Tirunelveli.

For Petitioner : Mr.KA.Ramakrishnan

For R1 : Mr.B.Nambiselvan
Additional Public Prosecutor

For R2 : Mr.C.Kishore



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ORDER

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This Criminal Original Petition has been filed to set aside the docket order passed in Memo dated 30.03.2022 in C.C.No.228 of 2021 on the file of the learned Judicial Magistrate, Mahila Court, Tirunelveli.

2.The learned counsel for the petitioner would submit that the petitioner is the defacto complainant in C.C.No.228 of 2021 on the file of the Judicial Magistrate, Additional Mahila Court, Tirunelveli. The learned counsel would submit that initially the case was registered against seven accused persons, of which, A6 and A7 are practising advocates of the same bar and since there is no proper investigation, the petitioner filed a petition before this Court in Crl.O.P. (MD) No.16703/2018 for transferring the case and the said was disposed of with a direction to complete the investigation, since at that time it was stated that there was no interference from A6 and A7. Subsequently, chargesheet has been filed against A1 to A5 alone leaving A6 and A7 and when the petitioner came to know the deletion of A6 and A7 in the chargesheet, she filed another petition before this Court in Crl.O.P.(MD) No.2863/2021 for transferring the case from Kanyakumari to Tirunelveli and this Court vide order dated 24.02.2021, disposed of the said petition thereby transferring the said case to



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Tirunelveli and directed the trial Court to proceed the case afresh after issuing notice to the petitioner herein. Thereafter the said case was taken on file in C.C.No.228 of 2021 by the learned Judicial Magistrate Additional Mahila Court, Tirunelveli, and for impleading A6 and A7, whose names were deleted in the charge sheet, the petitioner filed Crl.M.P.No.767 of 2021 and vide order dated 21.03.2022, A6 and A7 were added as accused. However, without challenging the said order, by way of misrepresentation in the memo filed by the 2nd respondent/A1, the names of A6 and A7 were again deleted vide order dated 30.03.2022. Challenging the same, the present petition is filed. Hence, this Court may set aside the impugned order dated 30.03.2022 and pass appropriate orders.

3. The learned counsel appearing for second respondent/accused would submit that on earlier occasion, the petitioner filed a petition before this Court in Crl.OP.No.2863 of 2021. By order dated 24.02.2021, the case in C.C.No.13 of 2019 pending on the file of the Additional Mahila Court, Magistrate Level, Kanyakumari District, Nagercoil, was transferred to Additional Mahila Court, Tirunelveli, Tirunelveli District, against which, the second respondent/accused filed recall petition before this Court in Crl.MP(MD)No.9179 of 2021 in Crl.OP(MD)No.2863 of 2021. However, the order dated 24.02.2021 was not



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recalled. Thereafter, a memo was filed by the 2nd respondent. Based on the said memo, the present impugned order dated 30.03.2023 was passed and hence, no interference is warranted to the said order.

5. This case has a checkered history. Initially, when the chargesheet is filed, the names of A6 and A7 were deleted. Subsequently, pursuant to the order of this Court dated 19.09.2018 in Crl.O.P.(MD) No.16703/2018, the investigation has been completed. While so, the 2nd respondent filed a petition before this Court in Crl.M.P.No.9179/2021 for recalling the order dated 24.02.2021, however, this Court has not recalled the order, instead, directed the trial Court to dispose the case within five months. In the petition filed by the petitioner herein in Cr.M.P.No.767/2021, again A6 and A7 were impleaded vide order dated 21.03.2022. Subsequently, the 2nd respondent filed a memo before the trial Court on 25.03.2022 and the trial Court has again deleted the name of A6 and A7 vide order dated 30.03.2022. However, the trial Court has not given any reasons for deleting the name of A6 and A7.

6. It is pertinent to note here that this petition has been filed against the order of deletion dated 30.03.2022 deleting the name of A6 and A7 as accused in C.C.No.228/2021. However, no reasons whatsoever has been stated for such



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deletion. In this petition, neither A6 nor A7 has been impleaded as party respondent. Hence, without rendering any opinion on the merits of the matter, this petition is allowed and the order dated 30.03.2022 is set aside. However, the aggrieved persons are at liberty to work out their remedy in the manner known to law. Consequently, the connected miscellaneous petition is closed.

20.02.2024
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Index : Yes/No
NCC : Yes/No
dss/RR

To

- 1.The Inspector of Police,
All Women Police Station,
Kanyakumari District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

dss

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