



Crl.O.P.(MD)No.9936 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 09.07.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD) No.9936 of 2024 and
Crl.MP(MD) No.6777 of 2024

T.Mallika

... Petitioner

Vs

1.The Inspector of Police,
Nazareth Police Station,
Thoothukudi District.

2.M.Lakshmi

...Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the impugned FIR dt 08.6.2023 U/s.80 and 81 of the Juvenile Justice(Care and Protection of Children) Act 2015 on the file of the R1 and quash the same as illegal.

For Petitioner

: Mr.V.Rajiv Rufus.

For R1

: Mr.M.Sakthi Kumar

Government Advocate(Crl.side)

ORDER

This Criminal Original Petition is filed to quash the proceedings in Crime No.46 of 2023, on the file of the respondent police, insofar as the petitioner is concerned.



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2.The petitioner is a doctor working as an Assistant Civil Surgeon in Tiruchendur Government Hospital and also a consultant in Nazareth Kirubai Solomon Hospital, Nazareth. The case of the prosecution is that the petitioner along with other accused is said to have received some amount from the defacto complainant, fabricated the documents of her child that the child was born to her aunt Meena and uncle Kannaiah couple.

3.The learned counsel appearing for the petitioner submits that a mischief has been played by the nurse by projecting herself as a Doctor. However, the case has been registered as against this petitioner. He further submits that this petitioner has treated the victim only for few days. At the time of occurrence, she has not treated the defacto complainant. However, a complaint has been lodged under suspicion that this petitioner might have a role in the commission of offence. Thereafter, the respondent police has also registered the case mechanically, without ascertaining the truth. The petitioner has also raised several other grounds in support of this petition.



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4.The learned Government Advocate (Criminal Side)

appearing for the first respondent submits that that nine witnesses have been examined so far. They need to examine some more witnesses and the final report would be filed within a reasonable time.

5.This court considered the rival submissions made.

6.The case is pending at the stage of investigation. The grounds raised by the petitioner can very well be considered by the investigating officer during the course of investigation. The FIR is nothing but registering the complaint in the register of the Police. The purpose of investigation is to find out truth whether the complaint is genuine or not. The investigating officer is expected to conduct the investigation in a fair manner by considering the evidence produced by the defacto complainant and the accused. The grounds raised by the petitioner herein can very well be appreciated by the investigating officer during the course of investigation.

7.The motto of the government in its emblem is Truth

<https://www.mhc.tn.gov.in/> Alone Triumphs and therefore, it is the responsibility of every



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government servant including the investigating officer to discharge their duty as expected by the government and to ensure Truth alone Triumphs.

8. Therefore, this petition is closed with liberty to the investigating officer to conduct the investigation by considering the points raised in this application, during the course of investigation and shall conclude the investigation within a period of four months either by filing final report or with a closure report. Consequently, the connected miscellaneous petition is closed.

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



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To

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- 1.The Inspector of Police,
Nazareth Police Station,
Thoothukudi District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J

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Order made in
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