



CRL OP(MD). No.11021 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 22.07.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL OP(MD). No.11021 of 2024

Yosuva

... Petitioner

Vs

1. The Superintendent of Police,
O/o.The Superintendent of Police,
Thoothukudi District.

2. The Deputy Superintendent of Police,
O/o.The Deputy Superintendent of Police,
Santtankulam,
Thoothukudi District.

3. The Inspector of Police,
O/o.The Inspector of Police,
Santtankulam Police Station,
Thanjavur District.

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent No.2 to withdraw the case in Crime No.58/2024 on the file of the respondent No.3 and to transfer to the same some other competent fair investigation officer.



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For Petitioner : M/S. Prabha.S
For Respondent : M.Sakthi Kumar
Government Advocate (Crl. side)

ORDER

This criminal original petition has been filed seeking a direction as against the 2nd respondent to withdraw the case in Crime No.58/2024 on the file of the 3rd respondent and to transfer to the same some other competent officer.

2.The learned Counsel for the petitioner submits that though the offence under Section 4 of Tamil Nadu Prohibition of Harassment of Women Act is made out in the complaint, the respondent police have not registered the case under Tamil Nadu Prohibition of Harassment of Women Act. Further, he submits that the victim sustained severe head injury. However, the case has not been registered for the offence under Section 307 of IPC.

3.The learned Government Advocate (Crl. Side) takes notice for



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the respondent police and submits that though the case was originally registered for the offence under Section 147, 294(b), 324, and 506(ii) of IPC, the respondent police have filed an alteration report adding the offence under Section 4 of Tamil Nadu Prohibition of Harassment of Women Act. Further, he also submits that for the injury caused by the accused, the offence under Section 324 of IPC has also been registered by the respondent police.

4.This Court considered the rival submissions made.

5.The grievance of the petitioner is that the respondent police has not added the offence under Section 307 of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act. Now, it appears that the respondent police, by a report dated 09.03.2024, has altered the offences by incorporating the offence under Section 4 of Tamil Nadu Prohibition of Harassment of Women Act and a case has also been registered for the offence under Section 324 of IPC. Whether the nature of injury caused by the accused would cause a death or not is matter for investigation. Therefore, this Court is not inclined to entertain this application on the



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ground that the case has not been registered under Section 307 of IPC.

However, this Court is directing the Deputy Superintendent of Police, Thoothukudi District, to monitor the investigation and the Investigation Officer is directed to find out the seriousness of the head injury and also to file the final report considering the nature of injury sustained by the victim.

6. With the above said direction, this Criminal Original Petition is disposed of.

22.07.2024

NCC : Yes/No

Index : Yes/No

Internet: Yes

jbr



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Thoothukudi District.
2. The Deputy Superintendent of Police,
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Thoothukudi District.
3. The Inspector of Police,
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B.PUGALENDHI,J

jbr

Order made in
Crl.O.P.(MD)No.11021 of 2024

22.07.2024