



CrI.O.P.(MD)No.15110 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.02.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.(MD)No.15110 of 2022

Chinathal

... Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Pudukkottai District, Pudukkottai.

2.The Deputy Superintendent of Police,
Pudukkottai, Pudukkottai District.

3.The Inspector of Police,
Athanakottai Police Station,
Pudukkottai District.

... Respondents

PRAYER:- Petition filed under Section 482 of Cr.P.C., to direct the first respondent police to transfer the investigation in Crime No.48 of 2022 pending on the file of the third respondent police to any other officer in sub ordinate to him based on the petitioner's representation, dated 21.07.2022.

For Petitioner : M/s.A.Banumathy

For Respondents : Mr.B.Nambiselvan
Additional Public Prosecutor



Crl.O.P.(MD)No.15110 of 2022

ORDER

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This Criminal Original Petition has been filed to direct the first respondent police to transfer the investigation in Crime No.48 of 2022 pending on the file of the third respondent police to any other officer in sub ordinate to him based on the petitioner's representation, dated 21.07.2022.

2.The case of the petitioner is that the petitioner's husband was attacked by one Karthik, who belongs to the same village, on 12.02.2022 and he sustained injuries and immediately, he was admitted in the hospital on the same day. Thereby, the petitioner's son gave a complaint before the third respondent police and the same was registered in Crime No.30 of 2022 for the offences under Sections 294(b), 324 and 506(2) of IPC. Then, the petitioner was discharged from the hospital on 25.02.2022. It is the further case of the prosecution that on 20.03.2022, again her husband was readmitted in the hospital and later, he died on 30.03.2022 at about 06.30 a.m. Hence, the petitioner suspected that due to the injury attacked by the said Karthik, her husband had died and she made a complaint before the respondent police and the same was registered in Crime No.48 of 2022 for the offences under Section 174 of Cr.P.C. Since the third respondent police have not conducted the



Crl.O.P.(MD)No.15110 of 2022

investigation in a proper manner, the petitioner has filed the present petition before this Court with the above said prayer.

3.The learned counsel for the petitioner would submit that this Court may issue a direction to the respondents police to consider the petitioner's representation, dated 21.07.2022 and pass appropriate orders.

4.However, the learned Additional Public Prosecutor appearing for the respondents would submit that initially, the FIR in Crime No.48 of 2022 was registered for the offence under Section 174 of Cr.P.C., and subsequently, another FIR in Crime No.30 of 2022 was registered for the offences under Sections 294(b), 324 and 506(2) of IPC and thereafter, the third respondent police closed the case in Crime No.48 of 2022 and referred the case as 'action dropped'. Hence, instead of filing the protest petition before the trial Court, the petitioner has filed the present petition before this court, which is not sustainable. Hence, he prayed for dismissal of this petition.

5.Considering the facts and circumstances of the case, this Court is inclined to issue a direction to the third respondent to complete the investigation in Crime No.30 of 2022 and file a charge sheet, if the charge sheet is not filed



Crl.O.P.(MD)No.15110 of 2022

and it appears that the case in Crime No.48 of 2023, the third respondent police have completed the investigation and closed the case as 'action dropped' on 21.07.2022 and RCS notice was also served to the petitioner on 21.07.2022. Hence, no further order is necessary in this petition.

6.In view of the above, this Criminal Original Petition is dismissed with liberty to the petitioner to workout her remedy in the manner known to law.

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

13.02.2024

To

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Pudukkottai District, Pudukkottai.
- 2.The Deputy Superintendent of Police,
Pudukkottai, Pudukkottai District.
- 3.The Inspector of Police,
Athanakottai Police Station,
Pudukkottai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.15110 of 2022

M.DHANDAPANI, J.

Sji

Crl.O.P.(MD)No.15110 of 2022

13.02.2024