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CrI.O.P.(MD)No.20595 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

CrI.O.P.(MD) No.20595 of 2022

and

CrI.M.P.(MD).No.14301 of 2022

C.Shobanavalli

... petitioner

Vs.

1.State represented by
Inspector of Police,
Thoothukudi South Police Station,
Thoothukudi District.
In Crime No.128 of 2022

2.Shoba

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records and quash the complaint as against the petitioner in Crime No.128 of 2022 pending investigation on the file of the respondent police.

For petitioner

: Mr.D.Anand

For R-1

: Mr.S.Manikandan,
Government Advocate
(Criminal Side)

For R-2

: Mr.V.Shathurthiraja



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ORDER

This Criminal Original Petition has been filed to quash the case in Crime No.128 of 2022 on the file of the respondent Police against the petitioner.

2. The case of the petitioner is that the petitioner is the sister-in-law of the de-facto complainant. It is alleged that on 05.02.2022, the petitioner said to have trespassed into the house of the de-facto complainant by broke open the door. Hence, a complaint.

3. It is the petitioner's case since the petitioner's husband died due to complications of COVID-19 and the petitioner also affected with the said virus, she could not attend the final rites and when she came to the matrimonial home, she was not allowed and hence, she preferred a complaint against the de-facto complainant and others and a CSR has been given.

4. The learned counsel appearing for the petitioner would submit that when the petitioner went to her house, her house was broken and the articles inside the house were taken away and the petitioner was harassed



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by the in-laws and therefore, the petitioner has given a complaint and since no case has been registered, a petition was preferred before the jurisdictional Magistrate to register a case and subsequently the complaint given by the petitioner was taken cognizance in CC No. 630/2022. He would further submit that in respect of counter case, the respondent Police has to necessarily follow Clause 566(ii) of the Police Standing Orders and this Court may issue a direction to the respondent Police to follow the procedure contemplated under 566(ii) of the Police Standing Orders and pass appropriate orders in terms of the Order passed by this Court in WP.(MD).No.15095 of 2020, dated 31.07.2023.

5. The learned Government Advocate (Criminal Side) appearing for the respondent Police would submit that this Court may issue a direction to the respondent Police to follow the procedure contemplated under Clause 566(ii) of the Police Standing Orders.

6. In view of the above, this Court is inclined to grant permission to the petitioners to produce all necessary documents before the Investigating Officer and on such production, the Investigating Officer is directed to follow the procedure contemplated under Clause 566(ii) of the Police Standing Orders and pass appropriate orders in terms of the



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order passed by this Court in WP.(MD).No.15095 of 2020, dated 31.07.2023, within a period of twelve weeks from the date of receipt of a copy of this order.

7. Accordingly, the Criminal Original Petition stands disposed of. Consequently, the connected miscellaneous petition is closed.

21.03.2024

Index : Yes/No
Internet : Yes/No

RR

To

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



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M.DHANDAPANI. J.

RR

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