



Crl.O.P.(MD)No.18984 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.18984 of 2024

Sivaranjani

: Petitioner

Vs.

1. The Inspector of Police
All Women Police Station
Bodinayakkanur
Theni District

2. Jeyaprakash
3. Ankaleeswari
4. Chandran
5. Gowthaman

: Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the first respondent to comply the order passed by the learned Judicial Magistrate, Bodinayakkanur, in Crl.M.P. No.6689 of 2022 dated 27.02.2023 within the time stipulated by this Court.

For Petitioner : Mr.R.Vinoth KUMar

For Respondents : Mr.A.Thiruvadikumar
No.1 Additional Public Prosecutor



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ORDER

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This Criminal Original Petition has been filed to direct the first respondent to comply the order passed by the learned Judicial Magistrate, Bodinayakkanur, in Crl.M.P. No.6689 of 2022 dated 27.02.2023 within the time stipulated by this Court.

2. The petitioner/defacto complainant has lodged complaint to the first respondent. No action has been taken. Therefore she has sent a representation to the Superintendent of Police, Theni District. The said complaint was thereafter forwarded to the first respondent and case in Crime No.12 of 2022 was registered for the offences under Sections 498(A) and 406 of IPC against Jeyaprakash, Angalaeswari, Chanthiran and Gowthaman. After completion of investigation charge sheet was filed deleting named accused A2 to A4 despite specific allegations has been made against them for committing the offence not only under Section 498(A) and also for other offences. Hence the petitioner has filed protest petition before the lower Court in Crl.M.P. No.6689 of 2022 before the learned Judicial Magistrate No.II, Bodinayakkanur. The said protest petition was filed along with supporting documents giving names of the



witnesses who were conversant to the incident. Thereafter the lower court by an order dated 27.02.2023 considering the protest petition and materials submitted had directed the first respondent to investigate the case further on the complaint given by the petitioner and consider the representation of the petitioner. Further final report has been filed on 05.07.2024 including offence under Section 406 of IPC and adding one more witness Murugan/L.W.4.

3. With regard to the other aspects of the complaint, the petitioner had categorically stated that the accused 2 and 3 has forcibly administered oleander seeds to her at Pannaipuram and she was admitted in the hospital by Balaguru, Suresh and Murugan who were residing at Pannaipuram . Medical records have been produced. Likewise in another incident an attempt has been made forcibly administering poison to the petitioner and her mother. This was witnessed by one Eswari and she was not enquired. The third incident was at Bodi on 08.01.2022 when the petitioner was brutally attacked and she was admitted in the Government hospital at Bodi. Thereafter a compliant was given to the Inspector of Police, Taluk Police Station, Bodi. One Arunkumar and Ajithkumar have taken the petitioner to the hospital. They have not been examined and the doctors



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who have examined her were not examined. The doctors who treated the petitioner and the medical record was also not included. This has been purposefully not considered by the investigation officer to ensure that A2 to A4 in the First Information Report names are deleted. The investigation officer has not examined Sanjeevan, Subash. Mathankumar, Vinoth Kumar and Ganesan who are the main witnesses and their statements have not been recorded. The medical records produced by the petitioner was also not considered. By adding offence under Section 406 of IPC which is only cosmetic change made in the second final report for pledging petitioner's jewels and using the same taken a lease of cardamom godown alone has been considered and the investigation done is not proper.

4. In this case final report was filed after further investigation was ordered by the lower court. From the final report it is seen that except that Murugan others who have been named in the protest petition not been examined and no reasons given.

5. It is seen that there is specific averment made in the protest petition about the other overt acts of the accused named in the First Information Report and their name have been dropped in the charge sheet



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It is also seen that the petitioner had taken treatment in the Government Hospital at Bodi as well as the hospital in Pannaipuram for attack and for administering poison. Further the medical records have also been produced by the petitioner have not been considered. The persons who have seen the occurrence their names have been given but they have not been enquired, statements have not been recorded and no investigation has been carried out in this regard.

6. The learned counsel appearing for the petitioner submitted that the petitioner is ready to produce the witnesses before the respondent police.

7. In view of the same a direction is given to the first respondent to conduct proper investigation and enquire all the aspects in the complaint given by the petitioner and thereafter file final report within a period of three months from the date of receipt of a copy of this order. Till such time the second report to be kept in abeyance awaiting the final report to be filed subsequent to this order.



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8. With the above direction, the Criminal Original Petition stands disposed of.

04.11.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

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



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M.NIRMAL KUMAR,J.

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