



Crl.O.P.(MD)No.19922 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.19922 of 2024

Karthika

... Petitioner

Vs.

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

2.The Inspector of Police,
Aranthangi Police Station,
Pudukkottai District.
(Crime No.355/2024)

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to direct the first respondent to transfer the investigation from the second respondent Police in Crime No.355/2024, dated 07.08.2024, on the file of the second respondent Police to any other independent Officer under the supervision of the first respondent.

For Petitioner : Mr.G.Sarathkumar

For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor



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ORDER

The petitioner, who is the de-facto complainant in Crime No.355 of 2024, on the file of the second respondent Police, has filed this petition seeking to transfer the investigation in Crime No.355 of 2024 to any other independent Officer under the supervision of the first respondent.

2. The learned counsel for the petitioner submitted that due to an ongoing civil dispute, on 23.07.2024, at about 07:30 a.m., while the petitioner was standing near her house, one Kalyani (1st Accused) approached and verbally abused the petitioner with filthy language, stating that the disputed property was hers. When the petitioner's husband questioned Kalyani about this claim, Kalyani chased him with an earth cutter, threatening him with dire consequences. The petitioner intervened to protect her husband, but in the process, the spade struck her on the head, causing her to sustain an injury. The other accused, who are Kalyani's daughters, also attacked the petitioner and threatened her with dire consequences before fleeing the scene of occurrence. Subsequently, the petitioner was taken by ambulance to the Government Hospital in



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Aranthangi, where she was admitted as an in-patient. The petitioner then filed a complaint with the second respondent Police. On 07.08.2024, the second respondent Police registered an F.I.R. in Crime No.355 of 2024, for offences under Sections 294(b), 118(1), and 351(3) of the Bharatiya Nyaya Sanhita, 2023.

3. The learned counsel for the petitioner further submitted that Kalyani (A1), suppressing the facts mentioned above, filed a false complaint with the second respondent Police. Based on this complaint, an F.I.R. was registered on 07.08.2024, in Crime No.356 of 2024, for offences under Sections 296(b) and 118(1) of the Bharatiya Nyaya Sanhita, 2023, as well as Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 1998.

4. The learned counsel for the petitioner further submitted that after receiving the complaint from the petitioner, the second respondent, who is allegedly colluding with the accused persons, registered the F.I.R. only under Sections 294(b), 118(1), and 351(3) of the Bharatiya Nyaya Sanhita, 2023, and did not include Section 4 of the Tamil Nadu



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Prohibition of Harassment of Women Act, 1998, despite the fact that the petitioner was brutally attacked by the accused. However, the second respondent ignored the same and only added minor offences against the accused, seemingly to shield them. Despite the petitioner and her husband personally approaching the respondents and requesting that appropriate legal action be taken against the accused, no response has been received from the respondents so far. Being dissatisfied with the progress of investigation conducted by the second respondent, the petitioner has preferred this criminal original petition to transfer the investigation to any other independent Officer under the supervision of the first respondent.

5. The learned Additional Public Prosecutor submitted that earlier, based on the complaint received from the petitioner, a case in Crime No. 355 of 2024 was registered against Kalyani (A1) and her daughters Pradheeba and Roshini for offences under Sections 294(b), 118(1), and 351(3) of the Bharatiya Nyaya Sanhita, 2023. Subsequently, Kalyani (A1) filed a complaint against the petitioner's husband, Suresh. Based on this complaint, a case in Crime No. 356 of 2024 was registered against



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Suresh for offences under Sections 296(b) and 118(1) of the Bharatiya Nyaya Sanhita, 2023, as well as Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 1998.

6. Considering the above said submissions, this Court directs the transfer of investigation in Crime No.355 of 2024 for offences under Sections 294(b), 118(1), and 351(3) of the Bharatiya Nyaya Sanhita, 2023 and Crime No.356 of 2024 for offences under Sections 296(b) and 118(1) of the Bharatiya Nyaya Sanhita, 2023 and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 1998, from the file of the second respondent Police to the file of the Deputy Superintendent of Police, Aranthangi Taluk, Pudukkottai District, who shall investigate the same and file a final report in both cases without delay.

7. With the above directions, this Criminal Original Petition is disposed of.

NCC : Yes / No
Index : Yes / No
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Copy to:-

The Deputy Superintendent of Police,
Aranthangi Taluk,
Pudukkottai District.

To

- 1.The Superintendent of Police,
Pudukkottai District,
Pudukkottai.
- 2.The Inspector of Police,
Aranthangi Police Station,
Pudukkottai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

smn2

Order made in
Crl.O.P.(MD)No.19922 of 2024

Dated: 20.11.2024