



W.P.(MD)No.27391 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.(MD)No.27391 of 2024

P.Lavanya

: Petitioner

Vs.

1.The Commissioner of Police,
Madurai City.

2.The Assistant Commissioner of Police,
Thallakulam, Madurai City.

3.The Inspector of Police,
All Women Police Station,
Thallakulam, Madurai City.

4.The Inspector of Police,
Thiruppalai Police Station,
Madurai City.

: Respondents

PRAYER : Petition filed under Article 226 of Constitution of India seeking for Writ of Mandamus directing the fourth respondent to take action on the petitioner's complaint dated 24.08.2024 under the criminal law in the light of the dictum laid down by the Hon'ble Supreme Court of India in the case of Lalita Kumari Vs., Government of Uttar Pradesh & others reported in (2014) 2 SCC 1.

For Petitioner

: Mr.P.Saravanan



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For Respondents : Mr.A.Thiruvadikumar
Additional Public PRosecutor

ORDER

The petitioner had sent a representation to the Deputy Commissioner of Police, Madurai City (North) seeking transfer of case in Crime No.811 of 2024 from the file of fourth respondent to the file third respondent, with whom the petitioner gave another complaint in CSR.No. 989 of 2024, which is pending, to have a comprehensive investigation and file a final report.

2. The contention of the petitioner is that on 14.08.2024 her husband had picked up quarrel and assaulted the petitioner using wooden log and thereby, the petitioner sustained grievous injury on both legs. Thereafter, she gave complaint before the fourth respondent and case in Crime No.811 of 2024 for the offence under Section 296(b), 118(2), 324 and 351(2) of BNS Act and under Section 4 of TNPWH Act. After the marriage, when the petitioner and her husband were living together, 50 sovereigns of gold jewels, cash of Rs.50,000/- and total value of Rs.10,00,000/- of Srithana articles were presented. For the purpose of construction house,



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the petitioner's husband, Vijayaraj, had pledged the petitioner's jewels to tune of Rs.20,00,000/-. Further, the petitioner's father Pandiselvam had given Rs.10,50,000/-. In total, from the side of the petitioner, Rs. 30,50,000/- was given for construction of house. Thereafter, the petitioner had sought for return of that amount from her husband and gave a complaint before the All Women Police Station, Thallagulam, on 23.08.2024. The petitioner's husband was called for enquiry. Finding that the investigation was overlooked in earlier case in Crime No.811 of 2024 investigated by the fourth respondent, the petitioner was informed that she would make representation to the authorities to transfer both the cases to one Police Station and to be investigated together. Since no action has been taken on the petitioner's representation dated 21.09.2024. the present petition has been filed.

3. The learned Additional Public Prosecutor appearing for the respondent police, on instructions, would submit that on the complaint of the petitioner, case against her husband, Vijayaraj, in Crime No.811 of 2024 was registered and he was arrested and thereafter, he had come out on bail on 22.08.2024. This case is pending with the fourth respondent. In the meanwhile, the petitioner demanding repayment of Rs.30,50,000/-



from her husband had given complaint to the third respondent in CSR No. 989 of 2024 assigned. On 05.10.2024, the petitioner and her husband appeared for enquiry. Thereafter, the petitioner claiming that both the cases enquired together and had left not participating in the enquiry. The third respondent finding that already case has been registered by the fourth respondent advised her to approach the third respondent and thereafter, the present CSR.No.989 of 2024 has been put on hold /closed.

4. Considering the submission and perused the materials placed before this Court, it is seen that initially the petitioner had lodged compliant against her husband for assault committed by him and the same was registered in Crime No.811 of 2024 for the offence under Section 296(2), 118(2), 324 and 351(2) of BNS Act and Section 4 of TNPWH Act. On her complaint, her husband was arrested and he is now come out on bail. Investigation has been progressed on the complaint given by the petitioner to the third respondent/All Women Police Station on 23.08.2024 seeking for return of her valuables and money. The second complaint also pertains to the issue between the petitioner and her husband during their marriage life. In view of the same, this Court finds that the investigation and enquiry in CSR.No.989 of 2024 to be conducted by the same police



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station, since it is offence against the women, it would appropriate that the third respondent to take up the investigation and enquire both the cases.

Accordingly, Crime No.811 of 2024 pending before the fourth respondent is transferred forthwith to the file of the third respondent. The third respondent on receipt of the same, take up the investigation, and CSR.No. 989 of 2024 to be re-opened and enquiry to be conducted. Both the cases to be investigated and enquired together and file a final report without further delay.

5. With the above direction, this Writ Petition is disposed of. No costs.

18.11.2024

NCC : Yes/No
Index : Yes / No
Rmk
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- 3.The Inspector of Police,
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4.The Inspector of Police,
Thiruppalai Police Station,
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5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
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M.NIRMAL KUMAR,J.

Rmk

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