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Crl.O.P.(MD)No.20800 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.20800 of 2024

Abarna

: Petitioner

Vs.

State of Tamil Nadu

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

2.The Deputy Superintendent of Police,
Thirumangalam, Madurai District.

3.The Inspector of Police,
Sivarakottai, Kalligudi Taluk,
Madurai District.

: Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS,
to direct the first respondent to transfer the investigation from the third
respondent to some other investigation agency.

For Petitioners : Mr.B.Micheal Sebastin

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor



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ORDER

The petitioner, who is the physically challenged person, lodged a complaint to the respondent police. Initially, CSR.No.430 of 2024 has been assigned, thereafter, after much persuasion, FIR in Crime No.208 of 2024 for the offences under Section 296(b), 115(2) and 351(2) of BNS r/w 4 of TN Prohibition of Harassment of Women Act, was registered on 04.10.2024. The contention of the petitioner is that the petitioner as physically challenged person had lodged a complaint and in her complaint, she had given the details about the offence committed by one Ganesan and his wife Jothi, who threatened, abused the petitioner and also insulting her disability and demanding Rs.50,000/-, otherwise they would ensure that the petitioner will not be allotted with a Government Scheme house and further, the said Ganesan and his wife are well connected with the political powerful persons. Though in the complaint she also sought for action against the accused under the Right of Persons with Disabilities Act, 2016, which is more grievous and serious in nature, the respondent police has not taken any action. One Muthuraja, Sub Inspector of Police, who is enquiring the case, is not considering the petitioner's plea and her physical disability, on the other hand, Ganesan and Jothi were given station bail



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and let off. Thereafter, no investigation has been taken. Hence, sought for transfer of investigation to be conducted by a women police officer, who has got concern and for the physically challenged persons to conduct proper investigation.

2. The learned Additional Public Prosecutor submitted that on the complaint of the petitioner, case has been registered and now, investigation is pending. Further submitted that one Ms.Lakshmilatha, Inspector of Police, Kallikudi Police Station, who can take up the investigation, conclude the investigation and file a final report in this case, without delay. She is the lady Police Officer and she would consider the petitioner's grievance.

3. In view of the same, Ms.Lakshmilatha, Inspector of Police, Kalligudi Police Station, is directed to take up the investigation in Crime No.208 of 2024, complete the same and file a final report within a period of three months from the date of receipt of a copy of this order.



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4. With the above direction, this Criminal Original Petition is disposed of.

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NCC : Yes/No
Index : Yes / No
Rmk

To

- 1.The Superintendent of Police,
Madurai, Madurai District.
- 2.The Deputy Superintendent of Police,
Thirumangalam, Madurai District.
- 3.The Inspector of Police,
Sivarakottai, Kalligudi Taluk,
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

Rmk

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