



Crl.O.P.(MD) No.23446 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 02.01.2024

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THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.23446 of 2023

P.Selvam

...Petitioner

VS

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

2.The Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.

3.The Inspector of Police,
Sivakasi Town Police Station,
Sivakasi,
Virudhunagar District.

4.The Inspector of Police,
Perunali Police Station,
Perunali,
Ramanathapuram District.

5.Kaveri

6.Nagaraj

7.Mookkaiah @ Anthony

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8.Karthick

9.Muniyasamy

10.Ponni

11.Shanmugathai

12.Nagaraj

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to direct the 2nd respondent to transfer the enquiry of the complaint of the petitioner dated 03.10.2023 on the file of the 4th respondent police to some other investigating agency for further enquiry in accordance with law.

For Petitioner : M/s.S.Devasena
For R1 to R4 : Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

This Criminal Original Petition is filed to direct the second respondent to transfer the enquiry of the complaint of the petitioner dated 03.10.2023 from the file of the fourth respondent to the file of some other Investigating Agency.



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2.The learned Counsel for the Petitioner submitted that the Petitioner was working abroad. He had been sending remittances. His remittance was utilized by his wife, the fifth Respondent. With the remittances, she had purchased the property and also constructed a house. On his return to India, the fifth Respondent and her relatives including the Petitioner's children had prevented him from entering into the house and had attacked him, based on which he sustained injury on his wrist, was admitted in the Government Hospital, Kadaladi and underwent treatment for 10 days.

3.It is the further submission of the learned counsel for the Petitioner that the Doctors of the Government Hospital, Ramnad, had intimated the cause of injury and assault on the Petitioner to the police concerned. Till date, they had not taken any action. Therefore, the Petitioner was forced to approach this Court seeking direction against the Respondent Nos.1 to 4.

4.The learned Additional Public Prosecutor appearing for the Respondent Nos.1 to 4 would submit that the fifth Respondent is the third wife of the Petitioner. There had been family dispute between them. Based on the complaint of the fifth Respondent, the third Respondent conducted an



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enquiry and closed the same on 07.09.2023. The fourth Respondent also conducted an enquiry in CSR.No.172 of 2023 and closed the same on 25.10.2023.

5.As per the submission of the learned Counsel for the Petitioner, the Petitioner suffered fractures in the wrist during the assault by the Respondent Nos.5 to 12. Based on the intimation given by the Doctors of the Government Hospital, Ramanathapuram, the Police Officials in Ramanathapuram District had not taken any action. The submission of the learned Additional Public Prosecutor that the enquiry was held and was closed was also objected by the learned counsel for the Petitioner stating that the Petitioner was not at all enquired by the Police Officials.

6.Considering the submission of the learned Additional Public Prosecutor that the enquiry was closed, as family dispute cannot be accepted, considering the copies of the typed set of papers furnished by the learned counsel for the Petitioner in the petition, in which the subject matter stated by the Petitioner had been reflected, since the Petitioner had suffered injuries and fractures in the wrist, for which the Doctors are alleged to have



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intimidated the Police Officials and the Police had not acted, the same cannot be closed as family dispute. Therefore, the second respondent/the Superintendent of Police, Ramanathapuram, is directed to personally enquire the matter and issue appropriate orders to the Inspector of Police, Perunali Police Station, Ramanathapuram District, to register a case for causing fractures on the Petitioner. The Superintendent of Police, Ramanathapuram, is also directed to issue directions to the Inspector of Police concerned, who had received intimation from the hospital regarding the fracture on the wrist of the Petitioner, to supervise the same.

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

Internet: Yes./No
Index: Yes/No
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02.01.2024

To

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

2. The Superintendent of Police,

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Ramanathapuram,
Ramanathapuram District.

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- 3.The Inspector of Police,
Sivakasi Town Police Station,
Sivakasi,
Virudhunagar District.
- 4.The Inspector of Police,
Perunali Police Station,
Perunali,
Ramanathapuram District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

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