



Crl.O.P.(MD) No.23438 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.01.2024

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.23438 of 2023

V.Howsalya

...Petitioner

VS

**1.The Superintendent of Police,
O/o. the Superintendent of Police,
Ramanathapuram District.**

**2.The Deputy Superintendent of Police,
O/o. the Deputy Superintendent of Police,
Muthukulathur,
Ramanathapuram District.**

**3.The Inspector of Police,
Elangambur Police Station,
Ramanathapuram District,
Crime No.73 of 2023**

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the respondent No.1 to withdraw the case in Crime No.73 of 2023 dated 28.11.2023 u/s. 294(b), 323, 427 of IPC on the file of the Respondent No.3 and entrust the same to the Respondent No.2 for fair investigation and file a report before the competent Court.



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For Petitioner : M/s.A.Victoria
For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

This Criminal Original Petition is filed to direct the first Respondent to withdraw the case in Crime No.73 of 2023 dated 28.11.2023 from the file of the Respondent No.3 and entrust the same to the file of Respondent No.2 for fair investigation.

2.When the case came up for hearing today, the learned Counsel for the Petitioner submits that the Respondents herein had not conducted fair enquiry. Therefore, the Petitioner had approached this Court seeking direction for change of investigation from the file of the third Respondent.

3.The learned Additional Public Prosecutor for the Respondents submits that based on the complaint, the FIR was registered in Crime No.73 of 2023 for the offences under Sections 294(b), 323 and 427 IPC on the file of the third Respondent. The investigation proceeded. The complainant wanted to include the offences under Section 379 IPC and also Section 4 of Tamil Nadu Prohibition of Harassment of Women Act. Therefore, he had



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approached this Court.

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4.It is the further submission of the learned Additional Public Prosecutor that based on the investigation and the materials gathered by the Investigation Officer, final report laid before the learned Judicial Magistrate, Muthukulathur, on 27.12.2023 through E-filing. If at all the Petitioner has any grievance, it is for him to approach the learned Judicial Magistrate, Muthukulathur, as this Court cannot issue directions after the filing of the final report.

5.Based on the grievance of the Petitioner, Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act was included. But the Petitioner insists to include Section 379 IPC also. As per the materials gathered, the offence of theft had not been disclosed. Therefore, the investigation had been completed.

6.By way of rejoinder, the learned counsel for the Petitioner submitted that Murugan and Valli, who are the prime accused, had been left out by the Investigation Officer.



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7.The learned Judicial Magistrate, Muthukulathur, is directed to take cognizance of final report after hearing the defacto complainant regarding his grievances for further investigation. Until such time, the final report filed by the third Respondent through E-filing had to be kept in abeyance. The Petitioner is directed to approach the learned Judicial Magistrate, Muthukulathur, and file appropriate application within a period of two weeks from the date of receipt of a copy of this order.

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

Internet:Yes./No
Index:Yes/No
mm

02.01.2024

Note: Issue order copy on 02.01.2024.

To

- 1.The Superintendent of Police,
O/o. the Superintendent of Police,
Ramanathapuram District.
- 2.The Deputy Superintendent of Police,
O/o. the Deputy Superintendent of Police,
Muthukulathur, Ramanathapuram District.

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- 3.The Inspector of Police,
Elangambur Police Station,
Ramanathapuram District,
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 5.The Judicial Magistrate, Muthukulathur



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SATHI KUMAR SUKUMARA KURUP, J.

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