



Crl.O.P.No.32700 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 22.01.2025

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.32700 of 2024

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1. Aashiq Swagath
2. Rameez Swagath

.. Petitioners

Vs.

1. The Inspector of Police
W-26 All Women Police Station,
Ashok Nagar, Chennai.

2. S.K.Renne Sultana, D/o S.K.Jeelani

.. Respondents

Criminal Original Petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, praying to order to recall for the records in C.C.No.1450 of 2022 on the file of the 23rd Metropolitan Magistrate Court, Saidapet, Chennai and quash the charge-sheet.

For petitioners : Mr.J.Shanavas Khan

For respondents: Mr.S.Sugendran, Addl.P.P. for R-1

Mr.Sankar for R-2

ORDER

This Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, praying to order to recall of the records in

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C.C.No.1450 of 2022 on the file of the 23rd Metropolitan Magistrate Court, Saidapet, Chennai and quash the charge-sheet.

2. Based on the complaint given by the second respondent, the first respondent-Police registered a case in Crime No.3 of 2022 for the offence(s) under Section 498-A, 323, 406 and 506 (Part-2) IPC. After investigation, the first respondent-Police laid charge-sheet under Section 173(2) Cr.P.C.

3. On a reading of the statement of L.W.1, it is clear that L.W.1 has made statement about the occurrence and overt-act attributed against the petitioners/A1 and A2 and L.W.1 also made statement about the involvement of the petitioners. Therefore, it is crystal clear that there are prima-facie materials available to proceed against the petitioners. The grounds taken by the petitioners are nothing but a defence, which can be considered only after trial. This Court finds that there is no reason to quash the said C.C. , and therefore, the petition is liable to be dismissed.

4. On a perusal of the charge-sheet and also the statement of the de-facto complainant recorded under Section 161 of Cr.P.C., it is clear that the de-facto complainant had clearly spoken while tendering statement about the case which is of the year 2022, voluntarily and at the time, it was also stated that there

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was attack made by the petitioners and the de-facto complainant was admitted in the hospital for treatment because of the said attack by the petitioners herein. However, on a perusal of the list of witnesses and also perusing the documents produced on record, it is evident that the investigating officer did not examine the concerned Doctor and also did not obtain any medical records.

5. Therefore, it is seen that the investigating officer has not properly conducted the investigation and hence, this Court directs the investigating officer to conduct further investigation in a fair manner and record statements from necessary witnesses and be produced before the trial Court. However, Superintendent of Police, Chennai City/Deputy Superintendent of Police, Tamil Nadu, in association with the Inspector General of Police, Chennai and also the Commissioner of Police, Chennai City, are directed to take action against the investigating officer in the case on hand, who had conducted investigation in the case on hand, as the same not been properly conducted in a fair manner, based on the complaint and also the statement given by the de-facto complainant. Hence, the above Police Officers are directed to give proper training to all the Officers in the rank of Inspector of Police/Station House Officer, especially the Police Officers attached to All Women Police Station, as in most of the cases, the Station House Officer of the All Women Police Stations are not properly conducting the investigation and enquiry is also not properly done.

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6. Therefore, the Inspector General of Police, Chennai and also the Commissioner of Police, Chennai City, are directed to take effective steps to give adequate training to the Station House Officers of the All Women Police Stations of Tamil Nadu and report shall be filed before this Court, before the end of March 2025.

7. With the above observations and directions, this petition is dismissed.

22.01.2025

CS

To

1. 23rd Metropolitan Magistrate Court, Saidapet, Chennai
2. The Commissioner of Police, Chennai City.
3. The Inspector General of Police, Chennai City.
4. The Superintendent of Police, Chennai City.
5. The Deputy Superintendent of Police, Tamil Nadu, Chennai.
6. The Public Prosecutor, High Court, Madras.
7. The Inspector of Police, W-26 All Women Police Station,
Ashok Nagar, Chennai.

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