

Crl.O.P.(MD)No.15876 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 03.06.2026

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

Crl.O.P.(MD)No.15876 of 2023

and

Crl.M.P(MD)Nos.12611 of 2023 and 644 of 2024

Santhi

.. Petitioner

Vs.

1. The Superintendent of Police
Trichy District
Trichy

2. The Inspector of Police
Boiler Plant Police Station
Trichy, Trichy District

3. The Inspector of Police
All Women Police Station,
Thiruvarambur
Trichy District

.. Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Cr.PC. to call for the records and set aside the charge sheet filed by the third respondent police in SC No.83 of 2023 on the file of the Additional District and Sessions Court cum Mahila Court, Trichy and consequently transfer the investigation from the third respondent to any other competent officer to conduct further investigation and file charge sheet afresh in Crime No.10 of 2022 on the file of the second respondent police.



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For Petitioner : Mr.K.Sivabalan
For R-1 : Mr.M.Mohamed Riyaz
Government Advocate(Crl.Side)

ORDER

This Criminal Original Petition has been filed to set aside the charge sheet filed by the third respondent police in SC No.83 of 2023 on the file of the Additional District and Sessions Court cum Mahila Court, Trichy and consequently transfer the investigation from the third respondent to any other competent officer to conduct further investigation and to file charge sheet afresh in Crime No.10 of 2022 on the file of the second respondent police.

2. According to the petitioner she is the defacto complainant in this case and she had two daughters and one son. The second daughter of the petitioner was residing in her grand mother's house. While so, on 13.05.2022 she gave information that the daughter of the petitioner had severe stomach pain and she was taken to Kattur John Basco Hospital and thereafter she was taken to bell hospital for further treatment on 16.05.2022. Thereafter she came to know that one unidentified person gave love torture to the daughter of the petitioner and that person on 12.05.2022 came along with two other persons and caught hold the



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petitioner's daughter and they gave some poisonous substance on her mouth on compulsion and thereby the petitioner lodged a complaint before the second respondent on 18.05.2022 and a case has been registered in Crime No.10 of 2022 for the offences under Sections 354(D), 328,307,34 of IPC and Section 4 of TNPHW Act. After registration of the First Information report the daughter of the petitioner died on 22.05.2022 and the case has been altered to Section 174 of Cr.P.C as suspicious death. The respondent police without giving any notice to the petitioner altered the case and once again altered to Section 306 of IPC against one Karan. No proper investigation was conducted by the third respondent police and thereby the petitioner has sent a representation dated 28.07.2023 to the first respondent and the same was not considered by the respondent police and thereby the present petition has been filed.

3. The learned Government Advocate(Crl.Side) appearing for the first respondent would submit that based on the complaint lodged by the petitioner they registered a case and thereafter the victim died and the case was altered to Section 174 of Cr.P.C., and again altered to Section 306 of IPC and included one Karan as accused. Thereafter they filed final report before the Session Court and the Sessions Court has also taken



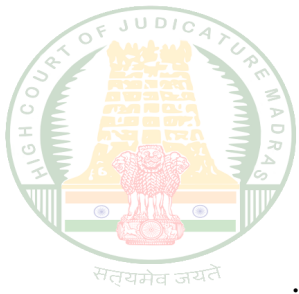
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cognizance and now the case is pending in SC No.83 of 2023 on the file of the Additional District and Sessions Court cum Mahila Court, Trichy.

The respondent police conducted fair investigation and after elaborate investigation filed final report and thereby there is no necessity to quash the charge sheet for further investigation is not required

4. Heard both sides and perused the materials available on record.

5. In this case based on the complaint lodged by the petitioner a case has been registered in Crime No.10 of 2022 for the offences under Sections 354(D), 328,307,34 of IPC and Section 4 of TNPHW Act and thereafter victim died. After the death of the deceased the case has been altered to Section 174 of Cr.P.C., and thereafter the respondent have conducted investigation and as per the investigation altered the Section to 306 of IPC as against one Karan and thereafter filed final report on 06.08.2022. Based on the final report the case has been committed to the Court of Sessions and the trial Court also had taken cognizance in SC No. 83 of 2023 and the same is pending for trial, at this stage the petitioner who is the defacto complainant and mother of the deceased has filed this petition to set aside the charge sheet and to conduct further investigation.



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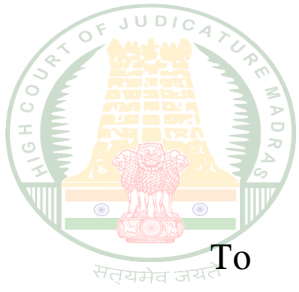
6. A perusal of record reveals that the investigation officer has examined 36 witnesses and recorded their statements and thereafter only filed final report and the trial Court has also taken cognizance. The main contention raised by the learned counsel appearing for the petitioner is that no proper investigation was conducted and the dying declaration was not considered by the investigation officer and the representation has not been considered. So far as investigation is concerned the records revealed that the investigation officer has conducted proper investigation . In order to substantiate the allegations made by the petitioner there are no records produced by the petitioner and based on mere allegations after taking cognizance by the Sessions Court it is not appropriate to set aside the charge sheet and to order for further investigation without any valid grounds. In view of the same, the petition has no merits and deserves to be dismissed.

7. Accordingly the Criminal Original Petition stands dismissed.
Consequently connected miscellaneous petitions stand closed.

03.06.2026

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

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1. The Additional District and Sessions Court cum Mahila Court, Trichy
2. The Superintendent of Police
Trichy District
Trichy
3. The Inspector of Police
Boiler Plant Police Station
Trichy, Trichy District
4. The Inspector of Police
All Women Police Station,
Thiruvarumbur
Trichy District
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.DHANABAL,J.

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