

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

CrI.O.P.No.17081 of 2015

B.Kishore Karan ... Petitioner/Defacto
Complainant

Vs

1. State by Inspector of Police,
T-12, Poonamallee Police Station,
Poonamallee, Chennai - 600 056.

2. Kalai Thendral

... Respondents 1 & 2
Complainant Accused

Criminal Original Petition filed under Section 482 Cr.P.C. for a direction to transfer the investigation in Crime No.576 of 2015 for the offence under Sections 498-A and 304(B) IPC from the file of the respondent police to the file of CB CID, Kancheepuram and file a final report before the learned Judicial Magistrate - II, Poonamallee.

For Petitioner : Mr.S.Sivasubramani

For respondent : Mr.C.Emalias,
Addl.Public Prosecutor

सत्यमेव जयते
O R D E R

This petition has been filed for a direction to transfer the investigation in Crime No.576 of 2015 for the offence under Sections 498-A and 304(B) IPC from the file of the respondent police to the file of CB CID, Kancheepuram and file a final report before the learned Judicial Magistrate - II, Poonamallee.

2. The petitioner's elder sister by name Lesiladevi fell in love with the 2nd respondent and got married with the 2nd respondent in December 2008. Since the date of marriage, there was frequent quarrel between the petitioner's elder sister and her husband/2nd respondent. Often the 2nd respondent beat her and

tortured her stating that she did not bring 100 sovereigns of jewels and stridhana articles. On 10.05.2015, the 2nd respondent attacked the petitioner's sister severely and she was taken to SRMC Hospital, Porur, where she was declared dead. The 2nd respondent without informing anyone, left the hospital. The petitioner and his relatives went to SRMC Hospital and he was informed by the doctors that an unknown person brought the body of the petitioner's sister and left the hospital. Immediately, the petitioner lodged a complaint before the 1st respondent police and a case was registered in Crime No.576 of 2015 under section 174(iii) Cr.P.C. The petitioner also gave a complaint against the 2nd respondent on 21.01.2011 before the Inspector of Police, All Women Police station, Poonamallee for the offence of dowry harassment and assault and C.S.R.No.14 of 2011 was assigned. Again, the petitioner gave a complaint against the 2nd respondent on 21.07.2012 before the same Inspector of Police and C.S.R.No.235 of 2012 was assigned. But no action was taken against the 2nd respondent so far. The 2nd respondent is a very influential person having men and muscle power. Hence, the present petition to transfer the investigation from the file of the respondent police to CBCID.

3. The respondent has filed a detailed counter affidavit stating that the petitioner has examined as many as 10 witnesses. The defacto complainant's relatives and neighbours stated that often the deceased came to the relatives house due to dowry harassment made by her husband/2nd respondent. The case has been altered to sections 498(A) and 304(B) IPC and investigation is in progress.

4. In view of the submission made by the learned Additional Public Prosecutor, there is no need to transfer the investigation from the file of the respondent police. However, the Assistant Commissioner, Porur, SRMC, is directed to monitor the investigation and complete the same as early as possible.

5. The criminal original petition is disposed of accordingly.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

vsi

To

1. TheInspector of Police,
T-12, Poonamallee Police Station,
Poonamallee, Chennai - 600 056.

2.The Assistant Commissioner, SRMC,
Porur, Chennai

3.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.S.Sivasubramani Advocate sr.65804

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