

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2015

Coram

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Criminal Revision Case No.268 of 2015

and

M.P.No.1 of 2015

Subashini

... Petitioner

Versus

1. The Station House Officer
All Women Police Station
Thirukoilur
Villupuram District.

2. Kannan
3. Alamelu

... Respondents

Criminal Revision Case filed under Sections 397 and 401 of Cr.P.C against the order dated 03.02.2015 passed by the learned Judicial Magistrate, Sankarapuram in CMP No.1227 of 2013 in C.C.No.21 of 2011.

For Petitioner : Mr.N.Manokaran

For Respondents : Mr.R.Prathap Kumar
Government Advocate
(Criminal side) for R1

ORDER

The petitioner has come forward with this Criminal Revision case against the order dated 03.02.2015 passed by the learned Judicial Magistrate, Sankarapuram in CMP No.1227 of 2013 in C.C.No.21 of 2011.

2. The case of the petitioner in brief is as follows:

The petitioner/defacto complainant married the second respondent herein on 28.01.2008. However, the second respondent went to Saudi Arabia and the petitioner was staying in the matrimonial house. Thereafter, the respondents 2 and 3 started harassing the petitioner and also demanded dowry. Hence, she gave a complaint on 29.01.2011. The respondent police registered a case in Crime No.1 of 2011 against respondents 2 and 3 for the alleged offence under Section 498-A IPC and Section 4 of Dowry Prohibition Act. The allegation of the petitioner is that right from the date of the complaint the respondent police has not shown any interest to conduct proper investigation. Hence, she made several representations for conducting the investigation. It is the further case of the petitioner that she preferred a petition before this Court for

transferring the investigation. However, the said petition was dismissed by stating that the petitioner has to work out her remedy elsewhere. Hence, she preferred the petition under Section 173(8) of the Cr.P.C for further investigation. The same was dismissed as not maintainable. Hence, the present revision challenging the same.

3. Learned counsel for the petitioner submitted that the petitioner/defacto complainant is entitled to a fair and proper investigation on her complaint. He would further submit that the respondent police has altered the date of occurrence from 15.08.2010 to 13.08.2010. Accordingly, he would submit that the prosecution side has given different dates to help the accused to get acquittal.

4. Learned Counsel for the petitioner, after elaborate arguments, submitted that the petitioner's interest would be safeguarded, if at least the Protection Officer, who has done the mediation and is also a vital witness to the case, may be permitted to be examined. Though the prosecution has accepted and enquired into the other witnesses in the case, they have purposely omitted to include the above Protection Officer and two more witnesses on her side while submitting the final report.

5. Learned Government Advocate (criminal side) appearing on behalf of the first respondent has brought the files to the notice of this Court and that is recorded.

6. I have heard both sides and perused the materials available on record.

7. As rightly pointed out by the Court below, though three different dates have been mentioned by the police regarding the date of occurrence, viz., in the complaint, the date of occurrence is mentioned as 15.08.2010, in the first information report it is mentioned as 13.08.2010 and further in the final report submitted it is stated as 12.06.2010; the petitioner/defacto complainant can always correct the date of occurrence at the time of giving evidence. I do not think there is any discrepancy in the said order.

8. Accordingly, this Criminal Revision Case is disposed of directing the learned Magistrate to dispose of the C.C.No.21 of 2011 as per the direction of this Court in Crl.O.P.No.8638 of 2014 dated 11.04.2014 as expeditiously as possible. It is also made very clear that the learned Magistrate shall take a decision independently without taking note of any of the observations made by this Court in this matter. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

<https://hcservices.ecourts.gov.in/hcservices/>

To

1. The Judicial Magistrate, Sankarapuram.

2.-do- Thro' The Chief Judicial Magistrate, Villupuram.

3. The Station House Officer
All Women Police Station
Thirukoilur
Villupuram District.

3. The Public Prosecutor, Madras.

+ 1 cc to Mr.N.Manokaran, Advocate SR.20097

KK(CO)
EU 13.05.2015

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