

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.33374 of 2014

Malathi

...Petitioner

Vs

State by:

The Inspector of Police,
W-18, All Women Police Station,
M.K.B.Nagar,
Chennai - 600 039.

...Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondent police to conduct further investigation and file an additional charge sheet after including the offence U/S 406 and U/S 4 of Dowry Prohibition Act to meet the ends of justice.

For Petitioner : Mr.A.Arasu Ganesan

For Respondent : Mr.C.Emalias,
Additional Public Prosecutor

ORDER

Seeking a direction to the respondent police to conduct further investigation and file an additional charge sheet after including the offence under Section 406 and under Section 4 of Dowry Prohibition Act, the petitioner has come up with this petition.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent Police.

3.It is seen that on a complaint lodged by one Mrs.Malathi, the respondent Police registered a case in Crime No.3 of 2014 on 15.03.2014 for offence under Sections 498A, 506(i) IPC and Section 4 of the Tamil Nadu Prevention of Women Harassment Act against three persons namely (i)Vinu(husband of the defacto complainant), (ii)Muthusamy(father-in-law of the defacto complainant), (iii) Papathi(mother-in-law of the defacto complainant).

4.After completing the investigation, the respondent Police filed a final report before the X Metropolitan Magistrate, Egmore, Chennai and the same has been taken on file as C.C.No.10036 of 2014. It is the grievance of the petitioner/defacto complainant though there are allegations that offences under Section 4 of the Dowry Prevention Act and Section 406 of IPC. They have not been included in the final report. The provisions of law stated by the respondent Police in the final report is not the on all and end all of the case.

5.The learned Magistrate will go through the final report and accompanying documents and if it disclose the commission of the offence alleged by the defacto complainant namely 406 IPC and Section 4 of the Dowry Prevention Act, it is always open to the learned Magistrate to frame the charge for the said offence.

6.Hence, under such circumstances, this Court directs the X Metropolitan Magistrate, Egmore, Chennai to carefully peruse the final report and accompanying documents in C.C.No.10036 of 2014 and if there are materials for framing of charges under Section 406 IPC and Section 4 of the Dowry Prevention Act, the same may be framed.

7.This Criminal Original Petition is closed with the above direction.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

1. The X Metropolitan Magistrate,
Egmore, Chennai.
2. -Do- Through The Chief Metropolitan Magistrate,
Chennai.
3. The Inspector of Police,
W-18, All Women Police Station,
M.K.B.Nagar, Chennai - 600 039.
4. The Public Prosecutor,
High Court, Madras.

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KU (CO) PSI (10.07.2015)