

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2015

CORAM:

THE HON'BLE MR.JUSTICE R.SUBBIAH

Cr1.O.P.No.26749 of 2015

K.Sindhu

... Petitioner

Vs.,

1.Inspector of Police,
All Women's Police Station,
Kilpauk, Chennai.

2.Mrs.Venessa Chettiar,
W/o.Mr.Joy Richards,
A-1302, Shepherd Residency,
Mitha Nagar, Goregaon (W),
Mumbai-400 104.

... Respondents

Prayer: Petition filed under Section 482 of the Criminal Procedure Code praying for a direction to the 1st respondent-Police to investigate and initiate action against the 2nd respondent based on the FIR registered in Crime No.1/2015 on the file of the 1st respondent dated 30.01.2015.

For Petitioner : Mr.T.S.Gopalan

For Respondents : Mr.C.Emalias, APP (For R1)

ORDER

This petition has been filed seeking for a direction to the 1st respondent-Police to initiate action against the 2nd respondent based on the FIR registered in Crime No.1/2015, dated 30.01.2015.

2.In the petition it has been stated by the petitioner that The petitioner, after completing B.Com and MCA, is working in a private financial institution as an Assistant Vice President. The petitioner is living with her parents and she has been taking care of them. The petitioner came in contact with one Mr.Joy Richards through her friend. The said Joy Richard introduced himself as if he is working for a company called Basyrooms. Later, they become good friends and they were in contract with each other through telephone and other social media. While so, during January, 2014, the said Joy Richards proposed the petitioner stating that he was interested in marrying the petitioner; but, the petitioner

refused his proposal as he was two years younger than the petitioner. However, he continued to persuade the petitioner and during February, 2014, the petitioner also accepted his proposal. Thereafter, the said Joy Richards used to meet the petitioner whenever he visited Chennai and used to be in touch with the petitioner through telephone, whatsapp etc. While so, during February 2014, the said Joy Richards informed the petitioner that he was in urgent need of money for obtaining Visa and requested the petitioner to advance him a sum of Rs.40,000/-. Accordingly, on 18.02.2014, the petitioner deposited Rs.40,000/- in the bank account of the petitioner. Thereafter, during April 2014, the said Joy Richards once again requested the petitioner for money for giving rental advance. Hence, once again through bank transfer the petitioner transferred a sum of Rs.1,80,000/- to the bank of the said Joy Richard. In this manner, promising to marry the petitioner, the said Joy Richards continued to force the petitioner to transfer money through her bank account citing various reasons. Over a period of seven month, the petitioner had transferred a total sum of around Rs.18 lakhs and the petitioner had sourced funds through personal loan from bank for a sum of Rs.7,66,292/- and she has also pledged jewels and surrendered insurance, for the purpose of giving money to the said Joy Richards. While so, during October 2014, the petitioner received a phone call from Bangalore, from one Ms.Asha Thomas and she informed the petitioner that the said Joy Richards had obtained money from her also promising to marry her and that the said Joy Richards has married the second respondent during May 2014 for the second time. The said Ms.Asha Thomas had further informed the petitioner that she had given a police complaint against the said Joy Richards for cheating and during the investigation, the police found about the money transfers from the petitioner's account. Thereafter, the petitioner went to Bangalore on 25.10.2014 and also gave a statement to the concerned police. The second respondent, who had married the said Joy Richards, also promised to repay the money owed to the petitioner and requested time. However, despite the passage of time, neither the said Joy Richards nor the second respondent sent any communication or returned back the money. Hence, the petitioner filed a complaint before the 1st respondent-Police. Thereafter, the said Joy Richards was arrested by the 1st respondent on 30.01.2015; however, later he was left out on bail. According to the petitioner, though the complaint was lodged by her against the said Joy Richards as well as the 2nd respondent, the case was registered only as against the said Joy Richards and the 2nd respondent has not been included as an accused in the case, despite the averments in the complaint against the 2nd respondent also. Hence, the petitioner has come forward with the present petition seeking a direction to the 1st respondent-police to include the 2nd respondent also in the case as an accused.

3.Today, when the matter is taken up for consideration, the learned Additional Public Prosecutor submitted that in this case, already on completion of investigation charge-sheet has been filed and the same has been taken on file as C.C.No.1079 of 2015 on the file of the learned II Metropolitan Magistrate, Egmore, on 25.11.2015.

4.Since charge-sheet has already been filed, at this stage, this Court cannot give a positive direction as sought for by the petitioner. However, the petitioner is at liberty to seek her remedy under Section 319 of Cr.P.C., before the Court below, during the course of trial.

With the above observation, the criminal original petition is disposed of.

sd/
ASSISTANT REGISTRAR (CS-II)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

ssv

To,

1.The Inspector of Police,
All Women's Police Station,
Kilpauk, Chennai.

2.The Public Prosecutor,
High Court, Madras.

+1 CC to MR.T.S.Gopalan Advocate. SR.NO. 60335

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AR-II
JD 19/11/2015

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