



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.08.2015

CORAM:

THE HONOURABLE MS.JUSTICE R.MALA

Crl.O.P(MD)No.15184 of 2015

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B.Abiram Sundari

.. Petitioner

Vs.

1.The Inspector of Police,
All Women Police Station,
Musiri,
Trichy District.

2.The Inspector of Police,
All Women Police Station,
Srirengam,
Trichy District.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. to direct the 2nd respondent to conduct the further investigation pertaining to Crime No.03 of 2014 on the file of the first respondent.

For Petitioner : Mr.K.Sivabalan

For Respondents : Mr.K.Anbarasan
Govt. Advocate (Crl.side)

O R D E R

This petition has been filed by the petitioners seeking for a direction to direct the 2nd respondent to conduct further investigation pertaining to Crime No.03 of 2014 on the file of the first respondent.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side).

3.This petitioner is the wife of one Balasubramanian. The marriage between the petitioner and the first accused was solemnized on 01.11.1992 and due to wedlock, they have blessed with one female and one male child and her son viz., Vijay Nivas studying second year M.B.B.S Course and she has stated that on 23.01.2014 her husband married one Mohanavalli and further, she has stated that 60 sovereigns of jewels, LIC Bond, Bank Passbook, Vacant site and all other things are in the custody of her husband. Hence, she gave a complaint and on that basis, a case in Crime No.3 of 2014 has been registered for the offences under Sections 294(b), 494 and 506(i) of I.P.C., and after due investigation, charge sheet has been filed only for the offence under Sections 294(b), 506(i) and 406 of I.P.C.

4.Now, the learned counsel for the petitioner submitted that even though a case has been registered for offence under Section 494 of I.P.C. the charge sheet has not been filed for the above said offence and hence, he prays for re-investigation.

5.The learned Government Advocate (Crl.side) would submit that



after completion of investigation, charge sheet has been filed and the same has been taken on file in C.C.No.100 of 2015 by the learned Judicial Magistrate, Musiri and it was posted on 18.08.2015 for examination of P.W.1 to P.W.5 and witnesses summons have also been served.

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6.Considering the rival submissions made on both sides and also considering the fact that the marriage between the petitioner and the first accused has been performed on 01.11.1992; that the petitioner's husband married one Mohanavalli on 23.01.2014, for which she lodged a complaint, but the respondent has not taken any steps to register the same and hence, she filed CrI.O.P.(MD).No.2266 of 2014, for a direction to register a case and pursuant to the same, a case has been registered; that since the offence under Section 494 of I.P.C is concerned, the police has no power of the said offence, it is left open to the petitioner to file a private complaint before the appropriate forum; that further more, in respect of 406 I.P.C is concerned, the case has not been registered on the basis of averment found in the FIR; and as per the statement under Section 164 of Cr.P.C, the charge sheet has been laid down, not only for the offence under Sections 294(b), 506(i) but also under Section 406 of I.P.C., and in such circumstances, I do not find any reason for further investigation. Hence, this petition is dismissed. However, already the matter was posted on 18.08.2015 for examination of further witnesses. Therefore, the learned Judicial Magistrate, Musiri is directed to dispose of the case within a period of three months from the date of receipt of a copy of this order. It is left open to the petitioner to approach the appropriate forum for the offence under Section 494 of I.P.C.

Sd/-

Assistant Registrar()

/TRUE COPY/

Sub Assistant Registrar

To

- 1.The Judicial Magistrate,Musiri.
- 2.The Inspector of Police,All Women Police Station,
Musiri,Trichy District.
- 3.The Inspector of Police,All Women Police Station,
Srirengam,Trichy District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,Madurai.

+1cc to Mr.K.Sivabalan,Advocate SR.No.44389

CrI.O.P(MD)No.15184 of 2015
06.08.2015

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