

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

Cr1.OP No.29474 of 2015

Vadhana Malar

.. Petitioner

Vs

1. State represented by
The Inspector of Police,
All Women Police Station,
Thodiyalur,
Coimbatore District.
2. The Inspector of Police,
Commissioner Office,
Coimbatore.
3. J.Senthilkumar ..Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., praying to transfer the enquiry of offences under sections 417 and 506(i) of IPC under the FIR bearing No.38 of 2015 dated 21.11.2015 pending on the file of the first respondent police to any other agencies.

For Petitioner :M/s. V.S. Usharani

For Respondents :Mr.C.Emalias
1 & 2 Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to transfer the enquiry of offences under sections 417 and 506(i) of IPC under the FIR bearing No.38 of 2015 dated 21.11.2015 pending on the file of the first respondent police to any other agency.

2. The petitioner is permanently residing at Door No.12/186, Sarangadhara Illam, Amarjothi Nagar, Thodiyalur, Coimbatore District. The petitioner is having three daughters and one son. Her elder daughter namely Sindhuja is presently working at London. The third respondent is a friend of the

petitioner's close relative's family and he used to come to the petitioner's house along with her relatives son. The said Senthil Kumar fell in love with the petitioner's elder daughter Sindhuja and they were in love for seven years. As the days passed by, their love affair came to the knowledge of the petitioner and the third respondent's family. Thereafter, both the families agreed for the said proposal and they also decided to get them married. Hence the third respondent by impressing the petitioner's daughter that he will marry her, had physical relationship with the daughter of the petitioner. While so, the petitioner's daughter has got a job in 'Hotel Management' in London, in the year 2011. Before the petitioner's daughter left for London, the petitioner's family as well as the third respondent's family decided to perform their marriage on her return from London in the month of July 2015.

3. Further, the petitioner's daughter has sent lot of gifts like laptop, cellphone and other electrical items and gold gifts to the third respondent from London and also sent huge sum of amount to the tune of Rs.15 lakhs to the third respondent and the petitioner's daughter has got proof for the same. Since the petitioner is also under bonafide impression that the third respondent is going to marry her daughter, she did not object her daughter for sending all the gifts and money to the third respondent. On receiving the information that the petitioner's daughter has got Visa for coming to India, the third respondent has switched off his phone and purposely avoided to talk with the petitioner as well as her daughter. Thereafter, the petitioner came to know that the third respondent had already got engaged with another girl namely Rukmani of their community and their marriage is scheduled to be held on 23.11.2015. Therefore, the petitioner lodged a complaint before the first respondent on 16.11.2015. The first respondent has refused to receive the same as the the dispute involved is a matrimonial matter. Hence, the petitioner once again, gave a complaint on 20.11.2015. Thereafter, FIR was registered for the offence under sections 417 and 506(i) of IPC. Even after the registration of the FIR, the respondent has not taken any action on the said complaint. Hence the petitioner has come forward with the present petition.

4. I have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

5. The Additional Public Prosecutor submitted that the investigation is in progress in this case thus sought for dismissal of this petition.

6. In view of the submission of the learned Additional Public Prosecutor, I find no valid reason for transfer of the investigation of this case. Considering the factual aspects

of this case, this Court is constrained to pass the following Order :

1. This Court directs the first respondent to expedite the investigation of the case in Crime No.38 of 2015 and complete the same as early as possible, preferably within a period of six months from the date of receipt of a copy of this Order and proceed in accordance with law.

2. The concerned Deputy Superintendent of Police, Periyannayakan Palayam, Coimbatore District is directed to monitor the investigation in this case.

7. Accordingly, this Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar(V)

//True Copy//

Sub Assistant Registrar

vrc
To:

1. The Inspector of Police,
All Women Police Station,
Thodiyalur,
Coimbatore District.
2. The Inspector of Police,
Commissioner Office,
Coimbatore.
3. The Deputy Superintendent of Police,
Periyannayakan Palayam,
Coimbatore District.
4. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.V.S. Usharani, Advocate Sr.1662

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NM(CO)
EU 01.02.16