

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2016

CORAM:

THE HONOURABLE MS.JUSTICE R.MALA

Crl.O.P.No.7276 of 2016

Mrs.Sindhuja

... Petitioner

Vs.

1.The Social Welfare Officer - cum -
Dowry Prohibition Officer
Nagapattinam District,
Collectorate Building
Nagapattinam.

2.The Inspector of Police
All Woman Police Station,
Nagapattinam.

... Respondents

Prayer :

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the first respondent to conduct fresh investigation on the petitioner's complaint and the second respondent to file additional statement of the first respondent after the investigation on the petitioner complaint in C.C.No.20 of 2016 pending before the learned Judicial Magistrate Court No-II Nagapattinam.

For Petitioner : Mr.M.Jaikumar

For Respondents: Mr.C.Emalias
Additional Public Prosecutor

ORDER

The petitioner who is the defacto complainant has come forward with this petition seeking a direction to the first respondent to conduct fresh investigation on the petitioner's complaint and the second respondent to file additional statement of the first respondent after the investigation on the petitioner's complaint in C.C.No.20 of 2016 pending before the learned Judicial Magistrate Court No-II, Nagapattinam.

2.The learned counsel for the petitioner submitted that the petitioner got married with the first accused and the second and third accused are the mother-in-law and sister-in-law, but after marriage, there was a demand for dowry and there was a miscarriage of pregnancy because of the harassment for demand of dowry. The petitioner was unable to bear it and she had attempted to commit suicide and she sustained 40% of burn injuries. Though the case has been registered in Crime No.5 of 2015 for the offences punishable under Sections 406, 498-A of I.P.C. read with Section 4 of the Dowry Prohibition Act, charge sheet was filed only for the offences punishable under Sections 406, 498-A of I.P.C. based on the certificate given by the first respondent Social Welfare Officer - cum - Dowry Prohibition Officer, Nagapattinam District, in which it is stated that the petitioner has not co-operated for the enquiry. Hence, the petitioner has come forward with this petition for the above stated relief.

3.The learned Additional Public Prosecutor, on instructions, would submit that because of the petitioner's non-co-operation, the first respondent has given a report in which it was specifically mentioned that there was no demand of dowry and prayed for the dismissal of the petition.

4.In view of the nature of the order that is going to be passed, notice to the first respondent is dispensed with.

5.This Court considered the rival submissions made on both sides. A perusal of the charge sheet itself shows that there is a demand of dowry. So, it is a fit case for directing the second respondent/ The Inspector of Police, All Woman Police Station, Nagapattinam to enquire the matter afresh.

6.Accordingly, the second respondent/ The Inspector of Police, All Woman Police Station, Nagapattinam is directed to enquire the matter afresh and record further statement and file additional charge sheet in accordance with law within a period of one month from the date of receipt of a copy of this order.

7.With the above direction, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(AS)

//True Copy//

Sub Assistant Registrar

To

1.The Social Welfare Officer - cum -
Dowry Prohibition Officer
Nagapattinam District,
Collectorate Building
Nagapattinam.

2.The Inspector of Police
All Woman Police Station,
Nagapattinam.

3.The Additional Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.7276 of 2016

sai (CO)
srg (15/04/2016)



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