

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 03.04.2017**

WEB COPY

CORAM:**THE HONOURABLE MR.JUSTICE P.N.PRAKASH****Cr1.O.P. (MD) No.3698 of 2017****and****Cr1.M.P. (MD) No.2738 of 2017**

Sathya @ Sumaya Fathima

: Petitioner

-Vs-

1.The Director General of Police,
O/o. the Director General of Police,
Beach Road,
Chennai-600 004.

2.The Superintendent of Police,
CBCID,
O/o. the Commissioner of Police,
Egmore, Chennai-7.

3.The Commissioner of Police,
O/o. the Commissioner of Police,
Trichy.

4.The Inspector of Police,
All Women Police Station,
Cantonment, Trichy.

: Respondents

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code praying to direct the respondent Nos.1 and 3 to transfer the investigation in Crime No.3 of 2016 on the file of the respondent No.4 and the same is handed over to the respondent No.2.

For Petitioner : Mr.S.M.A.Jinnah

For Respondents : Mr.A.P.Balasubramani,

Government Advocate (Cr1.side)

O R D E R

When the matter was taken up for hearing today,
<https://hcservices.ecourts.gov.in/hcservices/>
M/s.Nabeeshabee, Head Constable, Cantonment Police Station,
Trichy, is present in Court. On instructions, the learned



Government Advocate (Criminal side) submitted that the investigation in Crime No.3 of 2016 has been completed and charge sheet has been filed on 13.01.2017 before the Additional Mahila Court, Trichy West, for offences under Sections 417, 506(1) of the Indian Penal Code and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002.

2.Mr.S.M.A.Jinnah, learned counsel for the petitioner/*defacto* complainant submitted that the petitioner belongs to the Scheduled Castes, and, therefore, the provisions of SC/ST Act ought to have been invoked.

3. This Court gave its anxious consideration to the submission of Mr.S.M.A.Jinnah, learned counsel for the petitioner.

4. On a reading of the statement of the *defacto* complainant recorded under Section 164 of the Code of Criminal Procedure, it is seen that she has stated that she wanted to embrace Islam in the year 2010 and, therefore, she joined the Holy Quran College, Kayalpattinam to study Quran. There she got acquainted with one Sabura. Through Sabura, she came to know the first accused, who is none other than the brother of Sabura. The petitioner developed friendship with A-1 and she has alleged that on the promise of marrying her, he had physical affair with her. Thus, on a thorough reading of the statement recorded under Section 164 of the Code of Criminal Procedure, it is seen that the ingredients of SC/ST Act does not stand attracted. Hence, at this stage, this is not a fit case to order re-investigation. Hence, this Criminal Original Petition is closed. It is needless to state that under Section 216 of the Code of Criminal Procedure, the Court has the power to alter the charges at anytime depending upon the fact situation. Consequently, the connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(Protocol

/True Copy/

Sub Assistant Registrar

To

1.The Director General of Police,
O/o. the Director General of Police,
Beach Road,
Chennai-600 004.

2.The Superintendent of Police,
CBCID,
Commissioner of Police,
Egmore, Chennai-7.



3.The Commissioner of Police,
O/o. the Commissioner of Police,
Trichy.

4.The Inspector of Police,
All Women Police Station,
Cantonment, Trichy.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

SML

VB/KP/SAR4/13.04.2017/3P/6C

Order made in
CRL.O.P. (MD) No.3698 of 2017
Dated: 03.04.2017