

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2019

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

Cr1.O.P.No.1876 of 2019

Mrs.R.Brintha

... Petitioner

Vs.

1.State Represented by
The Inspector of Police,
W-28, All Women Police Station,
Ambattur, Chennai.
(Crime No.10/2018)

2.P.Duwarakesh

3.K.Paramasivam

4.Mrs.Suguna

5.Kamesh

6.P.Eswari

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to withdraw and transfer investigation in Crime No.10 of 2018 on the file of the first respondent, W-28 All Women Police Station, Ambattur, Thiruvallur District to any other investigation agency.

For Petitioner : Mr.P.Kalimuthu

For R1 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

WEB COPY

O R D E R

This Criminal Original Petition has been filed seeking to transfer the investigation in Cr.No.10 of 2018, pending on the file of the first respondent.

2.The learned counsel for the petitioner submitted that based on the complaint given by the petitioner, the first respondent has registered an FIR in Cr.No.10 of 2018 for the

offence under Sections 498(A), 406, 506 (ii) of IPC. The learned counsel submitted that the first respondent police is not investigating the case properly and the salary of the petitioner is completely taken away by the husband and the petitioner is not even given any money earned by her by going for a job. Therefore, the learned counsel for the petitioner submitted that the petitioner is at least entitled for the recovery of this money, which she is legally entitled. The learned counsel for the petitioner further submitted that the respondent police must be directed to instruct the husband not to take the salary of this petitioner.

3.The learned Additional Public Prosecutor would submit that the respondent police is in the course of investigation and all steps will be taken in accordance with law and final report will be filed within a time stipulated by this Court.

4.The investigation cannot be transferred at this stage on the grounds raised by the petitioner. It is true that the petitioner is entitled to get her entire salary and the husband has no right to take any money from her salary, since there is already a dispute between the parties and the petitioner is alleging cruelty against the husband and the in-laws. Therefore, the respondent police has to take immediate action in this regard.

5.This Criminal Original Petition is disposed of with a direction to the first respondent to carry on with the investigation effectively and file a final report within a period of three months from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar(J)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

dh/rpl

To

1.The Inspector of Police,
W-28, All Women Police Station,
Ambattur, Chennai.

2.The Public Prosecutor,
High Court, Madras.

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SSM(12/02/2019)