

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:26.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.21088 of 2017
and
Crl.M.P.No.12472 of 2017

B.P.Thangaveni ...Petitioner/ Defacto Complaint
Vs.

State Represented by
W-28, All Women Police Station
Ambattur, Chennai ... Respondent/Complainant

PRAYER:Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent for further investigation in C.C.No.25 of 2016 in Crl.O.P.No. of 2017 pending on the file of the learned Judicial Magistrate, Ambattur, Chennai.

For Petitioner : Mr.S.Suresh
For Respondent : Mr.M.Mohamed Riyaz
Addl. Public Prosecutor

ORDER

This Criminal Original Petition has been filed by the petitioner to direct the respondent for further investigation in C.C.No.25 of 2016 in Crl.O.P.No .of 2017 pending on the file of the learned Judicial Magistrate, Ambattur, Chennai.

2.The learned counsel appearing for the petitioner would submit that the petitioner is the wife and the accused are her husband and her in laws. The petitioner gave 80 sovereigns, 3 lakhs of cash apart from Sreedhanam. When the petitioner was pregnant, her husband tortured her, beat her and pushed her down for which she was taking treatment in the B.M.Orthor Hospital. Hence, a complaint was lodged before the Commissioner of Police, Chennai the same was forwarded to A.W.P.S, Ambattur and a case was registered in Crime No.7 of 2015 under Section 406, 498(A) IPC.

3.The learned counsel would further submit that when the petitioner received a summon from the Judicial

Magistrate Court, Ambattur, it was shocking to note that the true statement given by the petitioner during the investigation was not found in the statement. During the investigation, the petitioner told the investigating officer about the treatment in B.M.Ortho Hospital, Ambattur. The Investigating Officer, deliberately did not examine the doctor from B.M.Ortho Hospital and the doctor report was not submitted before the Court. The petitioner's jewels are not yet seized from her husband's family. The learned counsel would further submit that the examination of doctor and his certificate and recovery of her jewels from the accused are just and necessary to prove the offence committed by the petitioner's husband and his family members. The petitioner is not only cheated by her husband but also harassed, humiliated and was tortured by her in-laws. The statement which is available at present in the Trial court will facilitate the accused persons to evade from the clutches of law. Stringent action is required to curb these kind of illegal activities to eradicate such kind of social menace from the society. Hence, this petition.

4.Heard the learned counsel appearing for the petitioner.

5.It is seen from the records that the petitioner is the wife and accused persons are her husband and in-laws. A complaint has been lodged by the petitioner to the respondent. The respondent registered a complaint in Crime No.7 of 2015 for the offence under Section 406, 498(A) IPC and also filed a final report for the said offence.

6.The grievance of the petitioner is that though the medical records as well as the relevant documents were produced before the respondent to attract the offences under Section 4 of Dowry Prohibition Act and Section 326 IPC as against the accused persons, the respondent police did not file any final report for those offences. Now the charge sheet has been filed and the matter is taken cognizance in C.C.No.25 of 2016 on the file of the Judicial Magistrate, Ambattur, Chennai and the same is pending for trial.

7.Considering the facts and circumstances of the case, further investigation at this stage cannot be ordered. However, the petitioner is granted liberty to produce all the relevant documents before the Trial Court and let in evidence to that extent. If any offence is made out under Section 4 of Dowry Prohibition Act as well as Section 326 of IPC, the petitioner can very well invoke the said provisions under Section 319 of Cr.P.C. before the Trial Court.

8. Accordingly, this Criminal Original Petition stands disposed of. Consequently, connected miscellaneous petition is closed.

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//True Copy//

Sd/-
Assistant Registrar (CS)

Sub Assistant Registrar

To

1. The Judicial Magistrate
Ambattur
Chennai

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

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr. S. Suresh , Advocate SR.No. 30008

CrI.O.P.No.21088 of 2017
and
CrI.M.P.No.12472 of 2017

NMI (CO)
A.SK(22/04/2019)