



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2019

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P (MD) No. 6245 of 2019

and Crl.M.P. (MD) No. 4116 of 2019

WEB COPY

Sumathi

... Petitioner/L.W.1

Vs

1. State rep. by
Superintendent of Police,
Tuticorin, Tuticorin District.

2. The Inspector of Police,
All Women Police Station,
Pudukottai District, Tuticorin District.
(Crime No. 14 of 2013)

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the first respondent to further investigate the matter and to file the additional final report in C.C.No.860 of 2017, on the file of the learned Judicial Magistrate No.III, Tuticorin, Tuticorin District.

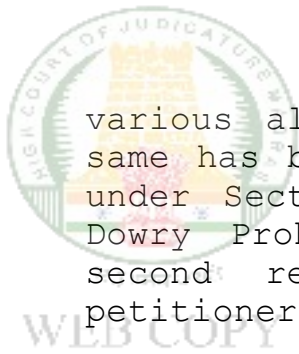
For Petitioner : Mr.K. Prabhu
For Respondents : Mr.K. Suyambulinga Bharathi
Government Advocate (crl. side)

O R D E R

This petition has been filed to direct the first respondent to further investigate the matter and to file the additional final report in C.C.No.860 of 2017, on the file of the learned Judicial Magistrate No.III, Tuticorin, Tuticorin District.

2. The learned counsel appearing for the petitioner submitted that originally th FIR in Crime No.14 of 2013 has been filed by the second respondent police based on a complaint alleged for the offences under Sections 294(b), 506(ii), 498(A) of IPC and Section 4 of Dowry Prohibition Act. After completion of investigation, the second respondent filed final report only for the offence under Section 498(A) of IPC as against the husband of the petitioner. Initially, the FIR has been registered as against the five other family members. Without any reason, the second respondent deleted the other names and filed final report. Therefore, the petitioner is before this Court.

3. It is seen from the records that the petitioner is a wife of the accused and she has lodged a complaint based on



various allegations before the second respondent police and the same has been registered in Crime No.14 of 2013 for the offences under Sections 294(b), 506(ii), 498(A) of IPC and Section 4 of Dowry Prohibition Act. After completion of investigation, the second respondent has filed final report as against the petitioner's husband for the offence under Section 498(A) of IPC.

4. On perusal of records it is also revealed that as against her husband, the petitioner also filed a protest petition and the same was also dismissed. However, at this stage, the prayer sought for by the petitioner cannot be granted. The petitioner is at liberty to invoke the provision under Sections 216 and 319 of Cr.P.C to all other persons and also to add other offences against them before the Trial Court during the trial. During the trial, the trial Court finds any criminal offence as against the other accused persons or to attract any other offences, the trial Court consider the same and pass order on merits and in accordance with law.

5. With the above observations, the Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

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To

1. The Judicial Magistrate No.III,
Tuticorin, Tuticorin District.
2. The Superintendent of Police,
Tuticorin, Tuticorin District.
3. The Inspector of Police,
All Women Police Station,
Pudukottai District, Tuticorin District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in

CRL.O.P (MD) No.6245 of 2019

11.11.2019

_KM/ (18.12.2019) 2P 5C