



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Cr1.O.P. (MD) No.9705 of 2019

Tmt.Sulochana

: Petitioner

Versus

The Inspector of Police,
Crime Branch - Crime Investigation Department,
South Police Station,
Trichy - 620 020.
(In Cr.No.03/2017).

: Respondent

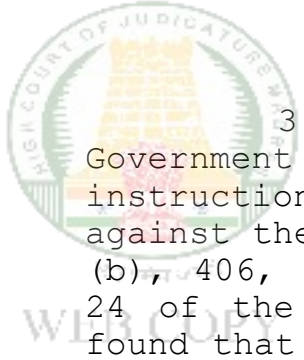
Prayer: Petition is filed under Section 482 of the Criminal Procedure Code praying to call for the entire criminal records pertaining to Crime No.03/2017 pending on the file of the respondent and expunge the same so far as the petitioner is concerned.

For Petitioner : Mr.A.K.Hemaraaj
For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Cr1.side)

O R D E R

This petition has been filed for the following relief:
"to call for the entire criminal records pertaining to Crime No.03/2017 pending on the file of the respondent and expunge the same so far as the petitioner is concerned".

2. The grievance of the petitioner is that, earlier, First Information Report has been registered against the petitioner's husband, by name Abrar Ahamed, for the offences under Sections 294 (b), 406, 420, 506(1) of the Indian Penal Code and Sections 10 and 24 of the Emigration Act, 1983, in Crime No.3 of 2017. But the respondent police is harassing the petitioner. Hence, she filed an anticipatory bail application before the Sessions Court, wherein the respondent police submitted that even though originally the petitioner's husband was arrayed as accused, subsequently, during investigation, it reveals that the petitioner has also committed the offence and she is also added as Accused No.2 in the aforesaid crime. Thereafter, the petitioner filed an application before the learned Judicial Magistrate No.VI, Trichy, seeking a copy of the altered report. But the said application was returned stating that as there is no altered report available in the Court. In the above circumstances, the present petition has been filed with the aforementioned prayer.



3. Today, when the matter came up for hearing, the learned Government Advocate (Criminal side) appearing for the respondent, on instructions, submitted that originally the crime was registered against the petitioner's husband for the offences under Sections 294 (b), 406, 420, 506(1) of the Indian Penal Code and Sections 10 and 24 of the Emigration Act, 1983, and during investigation, it is found that the petitioner is also involved in the crime. Hence, she was arrayed as second accused. Now, final report has been filed before the learned Judicial Magistrate No.VI, Trichy West, for the offences punishable under Sections 294(b), 420, 506(1) of the Indian Penal Code and Sections 10, 24(1)(b) and (g) of the Emigration Act, 1983 and Section 34 of the Indian Penal Code, wherein the petitioner was shown as second accused. The learned Magistrate has taken cognizance of the offence and now, pending trial in C.C.No.849 of 2019. The learned Government Advocate (Criminal side) has also produced a copy of the final report for perusal of this Court.

4. Considering the fact that already, the petitioner is added as accused and the final report was filed and the learned Judicial Magistrate No.VI, Trichy West, has taken cognizance of the offence in C.C.No.849 of 2019, the prayer sought for by the petitioner cannot be granted. Hence, the Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar (CS)

To

1.The Inspector of Police,
Crime Branch - Crime Investigation Department,
South Police Station, Trichy - 620 020.

2.The Judicial Magistrate VI,
Trichy.

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

Order made in
Cr1.O.P. (MD) No.9705 of 2019
Dated: 10.07.2019