

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Eighth day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.9543 of 2014

1 NIKITA JAIN
2 NEERAJ SHAH

[PETITIONER / ACCUSED]

Vs

STATE BY
THE INSPECTOR OF POLICE
W-15 ALL WOMEN POLICE STATION
ROYAPURAM,
CR.NO.NOT KNOWN OF 2014
CHENNAI.

[RESPONDENT]

For Petitioner : M/S.REVATHI G.MOHAN Advocate

For Respondent : MR.C.IYYAPPARAJ, ADDITIONAL PUBLIC PROSECUTOR

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 380, 406, 420, 506(ii) of IPC, seek anticipatory bail. The first petitioner is the wife of the complainant and the second petitioner is the brother in law of the defacto complainant

2.The case of the prosecution is that the 1st petitioner was married to the defacto complainant on 22/3/2012 at Sirohi, Rajasthan, as per Hindu rites and Customs. At the time of marriage considerable Shreedhana articles were given. After 2 months of marriage the parents of the defacto complainant demanded more dowry amount and thereafter, elders of the family tried to compromise the issue between the two families. However failure resulted in the first petitioner moving the Jurisdictional Court at Rajasthan for the offence under Section 498A, 406, 323 r/w 120B of IPC. Further she has also filed petition seeking relief under Section 12 of the Domestic Violence Act and another petition under Section 125 of Cr.P.C. seeking maintenance. All the cases are pending trial before the Principal Judicial Magistrate, Sirohi. Whiles, the defacto complainant, on receipt of summons from the Court at Sirohi moved the Family Court at Chennai by filing OP.No.2758 of 2013, seeking divorce and thereafter, the first petitioner appeared before the 1st Addl. Family Court on 26. 09.2013. The first petitioner, in the month of October 2013, sought for transfer of OP.No. 2758 of 2013 from the Family Court at Chennai to the District Court Sirohi, Rajasthan. The Hon'ble Apex Court by its order dated 04.10.2013 in Transfer petition

(civil) 1582 of 2013, granted stay of the proceedings at Family Court at Chennai till the disposal of the Transfer Petition pending before it. Further on 13.01.2014, the Apex court directed the parties to appear for Mediation on 12.02.2014. On receipt of summons from the Supreme Court, the defacto complainant moved the respondent police by filing a false complaint against the first and second petitioners on 10.12.2013. Aggrieved by the above complaint, the present petition is filed, at the stage of investigation which the law enforcing agency has only assigned CSR Number and anticipatory bail application has been moved. The matter is pending before the mediation, and the learned counsel for the petitioner is not clear about the stage of mediation. However, on filing of this petition, Registry has placed the matter before this Court to pass appropriate orders.

3. Learned counsel appearing for the petitioner submits that the matter was referred to mediation for settlement of family dispute but the same is not yet settled and the matter is pending before the respondent police for more than seven years. Hence, he prays this Court may issue a direction to the law enforcing agency to complete the investigation, within a period of 4 weeks. He would further submit that, it would suffice, if this Court permits the petitioners to furnish the particulars before the law enforcing agency to prove their innocence and issue direction to the law enforcing agency to complete the investigation within a time frame.

4. Learned Additional Public Prosecutor appearing for State, on instructions submitted that due to the pendency of CSR number, the law enforcing agency has not proceeded with the matter, and therefore, this Court may issue a direction to the law enforcing agency to complete the investigation within a period of four weeks from the date of receipt of copy of this order.

5. Considering the limited request made by the learned counsel appearing for the parties, this Court without going into the merits of the case, is inclined to issue direction to the law enforcing agency to complete the investigation in Crime No. not known of 2014, after giving opportunity to the petitioners, within a period of four weeks from the date of receipt of a copy of this order. The petitioners are directed to co-operate with the law enforcing agency for early completion of the investigation.

6. This criminal original petition is disposed of.

-sd/-

28/02/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE INSPECTOR OF POLICE
W-15 ALL WOMEN POLICE STATION
ROYAPURAM, CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 MEDIATION AND CONCILIATION CENTRE,
SUPREME COURT OF INDIA,
SUPREME COURT COMPOUND,
NEW DELHI - 110 201.

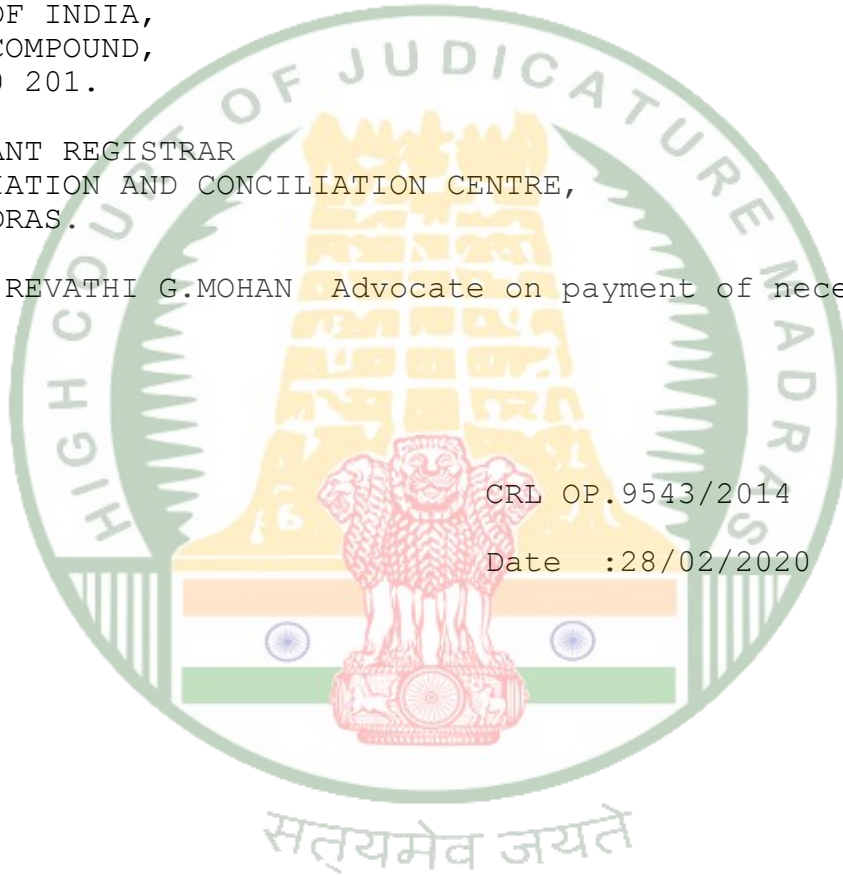
4 THE ASSISTANT REGISTRAR
TAMIL NADU MEDIATION AND CONCILIATION CENTRE,
HIGH COURT, MADRAS.

CC to M/S.REVATHI G.MOHAN Advocate on payment of necessary
charges

CRL OP.9543/2014

Date :28/02/2020

cs 07/07/2020



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