



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

Cr1.OP.(MD)No.6244 of 2020

Chandran

: Petitioner

Vs.

1.The State rep.by
The Superintendent of Police,
District Police Head Office,
Thanjavur.

2.The State rep.by
The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Pattukottai, Thanjavur District.

3.The State rep.by
The Inspector of Police,
All Women Police Station,
Pattukottai, Thanjavur District.
Cr.No.3 of 2020

: Respondents

PRAYER: Petition filed under Section 482 of the Code of Criminal Procedure to direct the respondents to expedite the investigation in connection with Crime No.3 of 2020, pending on the file of the third respondent and to file a final report within a stipulated time limit.

For Petitioner : Mr.K.Pragadeesh Kumar

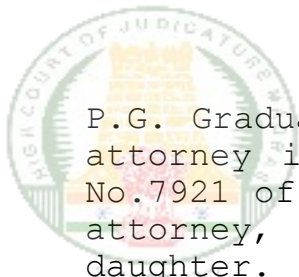
For Respondents : Mr.K.K.Ramakrishnan,
Additional Public Prosecutor

ORDER

The petitioner has filed this criminal original petition seeking a direction to the respondents to expedite the investigation in Crime No.3 of 2020, pending on the file of the third respondent.

2. The brief facts of the case, in a nutshell, are as follows:

2.1. The petitioner, namely, Chandran, is the father of the defacto complainant, namely, Komal. The defacto complainant is a



P.G. Graduate, working in Dubai and has executed a special power of attorney in favour of her father / the petitioner, vide Document No.7921 of 2019, dated 12.12.2019. On the strength of this power of attorney, the petitioner has filed this petition, on behalf of his daughter.

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2.2. The case of the petitioner is that his daughter is working in Dubai and he gave an advertisement in the website of Tamil Matrimony in search of bridegroom. On seeing the profile, the accused nos.4 to 6, who are the Grandfather, Maternal and Paternal Uncle of the first accused / Rethina Prakash, approached the petitioner. The petitioner was informed by the accused nos.4 to 6 that the first accused is an Aerospace Engineer, working as Pilot in U.S.A. They further assured that the bridegroom will find a job opportunity for the bride in U.S.A and that they will settle in U.S.A.

2.3. Accepting the words of the relatives of the bridegroom, the petitioner conveyed the information to the complainant and thereafter, their marriage was solemnised on 02.04.2017, with the consent of both the families. The petitioner spent a sum of Rs.45 Lakhs towards marriage expenses and has put 50 Sovereigns of gold to the bride and 10 Sovereigns of gold to the bridegroom. According to the complainant, after the marriage, she and the first accused were together for some days, but they did not have any physical relationship. Thereafter, the first accused and his parents / accused nos.2 & 3 fled to U.S.A., with an assurance that they will arrange for VISA within some days.

2.4. As promised, the accused nos.1 to 3 have arranged for VISA and the complainant has also uploaded certain documents. But then, the parents of the first accused / accused nos.2 & 3 phoned the petitioner, told that their son is in debt of Rs.1 Crore and demanded the same from the petitioner, failing which, they intimidated that the VISA application would be cancelled. Since the amount demanded is huge, the petitioner refused to part with the same and the accused nos.1 to 3 withdrew the VISA application.

2.5. When the petitioner and the complainant approached the accused nos.4 to 6, who arranged for the marriage, they fortified the stand taken by the other accused. In the meanwhile, the first accused filed a petition for dissolving the marriage before the Florida Court, U.S.A and got a decree of divorce. The complainant has also filed a petition for restitution of conjugal rights before the Family Court, Chennai and the same is pending.

2.6. The intention of the accused persons, right from the beginning, is to cheat the complainant and her family and the petitioner has nearly spent a sum of Rs.80 Lakhs for the marriage. Therefore, the complainant has lodged a complaint before the third

<https://www.cemilab.com> and the same was registered in Crime No.3 of 2020. The



grievance of the petitioner is that though the case was registered, the third respondent has not taken any effective steps to arrest the accused and therefore, has come forward with the present petition.

3. Mr.K.K.Ramakrishnan, learned Additional Public Prosecutor takes notice for the respondents and would submit that they have received a complaint from the petitioner's daughter and have registered a case in Crime No.3 of 2020, for the offence under Sections 417, 498A IPC and Section 4 of Dowry Prohibition Act, 1961. He would further submit that the accused nos.1 to 3 are in U.S.A and the complainant is in Dubai and that the investigation is pending. In view of the present COVID-19 pandemic, they are not in a position to complete the same.

4. Heard the learned Counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the State.

5. The grievance of the petitioner is that the accused persons promised that after the marriage, they will arrange for VISA and other things for the complainant enabling her to stay in U.S.A, but failed to fulfil the same and have demanded a further sum of Rs.1 Crore. Since the petitioner / father of the defacto complainant failed to make the payment, as demanded, the accused persons dropped the VISA process.

6. In fact, it is the further contention of the petitioner that the first accused has obtained a decree of divorce before the Florida Court, but the said order copy was not filed along with the typed set of papers. Without perusing the same, this Court cannot observe anything as to the competence of the Florida Court in passing a degree of dissolution for the marriage solemnised at Pattukottai on 02.04.2017.

7. Be that as it may, the prayer sought for in the present petition is for a direction to the third respondent to expedite the investigation in Crime No.3 of 2020. In the affidavit filed along with the petition, the petitioner has stated that the third respondent is very lethargic in taking action against the accused and to arrest them. The complaint, for the occurrence said to be taken place from 02.04.2017 onwards, was lodged on 28.02.2020 and the case was registered in Crime No.3 of 2020 and the investigation is yet to be completed, since the accused nos.1 to 3 are in abroad.

8. The complainant is a P.G. Graduate, holding a M.Tech professional degree and working in Dubai. She must be aware that not only the entire Country, but also the entire World, is at a standstill due to the present COVID-19 pandemic. The entire police force is working, in hand and glove with the Health and Revenue Departments, as front-liners to combat the situation. While so, this Court feels it is not proper on the part of the petitioner as well as the complainant to comment that the



respondent Police is showing lethargic attitude. Just because the respondent Police failed to act according to their whims and fancies to arrest the accused persons, that by itself does not amount that they are very lethargic in discharging their duty.

9. Therefore, this Court, while condemning the petitioner for making such an averment in the affidavit, dismisses this petition, as this Court does not find any reason to grant the relief sought for. Though this is a fit case for making strong remarks and imposing costs, this Court refrains from doing so, as it would affect the further course of action in the pending criminal case as well as in the proceedings initiated by the complainant before the Family Court, Chennai.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Superintendent of Police,
District Police Head Office, Thanjavur.
- 2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Pattukottai, Thanjavur District.
- 3.The Inspector of Police,
All Women Police Station,
Pattukottai, Thanjavur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Cr1.OP. (MD)No.6244 of 2020
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