

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.6567 of 2021

R.Bhuvaneshwari

... Petitioner

Versus

State rep. by

The Inspector of Police,
W-8 All Women Police Station,
Thirumangalam,
Chennai-600 101.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to alter the offences in Crime No.2 of 2021 under Section 420, Section 506(ii), Section 407, Section 294(b) of IPC and Section 4 of Dowry Prohibition Act, 1961 instead of Section 417 IPC which is on the file of the respondent.

For Petitioner : Mr.Saravanan.P

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

The petitioner, who is the defacto complainant in Crime No.2 of 2021 has filed this petition seeking inclusion of Section 420, 506(ii), 407, 294(b) and Section 4 of Dowry Prohibition Act, 1961 instead of Section 417 IPC.

2.The contention of the petitioner is that the petitioner and the accused Nirmal Kumar were working together in a Private Institution. From the year 2017, they were in love with each other and the accused promised to marry her and they were having very close relationship. Thereafter, the accused had got employment in the Department of Railways as Goods Guard. After getting job, the accused started neglecting the petitioner and opposed the marriage citing the age difference. Both the petitioner and the accused were aware about their ages at the time of having relationship. Now, for the reason that the accused has got employment in the Central Government and for the purpose of receiving more dowry and greed, he refused to marry

the petitioner. Hence, she lodged a complaint to the respondent Police and the same was registered in Crime No.2 of 2021 for offence under Section 417 IPC.

3.The learned Additional Public Prosecutor appearing for the respondent submitted that the respondent Police is investigating the matter and the grievance of the petitioner would be looked into and whatever materials available with her, the petitioner may be submitted to the respondent Police to aid the Police to conduct investigation and on conclusion of investigation, necessary offences would be included if materials made out.

4.From the typed set filed by the learned counsel for the petitioner, it is seen that there have been exchange of Whatsapp messages between the petitioner and the accused, which shows that they were having contact and relationship.

5.This Criminal Original Petition stands disposed of, with a direction to the respondent Police to consider the representation given by the petitioner and continue with the investigation and include the offences, if the materials make out.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

vv2

To

1.The Inspector of Police,
W-8 All Women Police Station,
Thirumangalam, .

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.P.Saravanan, Advocate, S.R.No. 24050

CRL.O.P.No.6567 of 2021

KJ(CO)
GN(04/06/2021)