



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2021

CORAM:

THE HON'BLE MR. JUSTICE M. NIRMAL KUMAR

CRL.O.P.No.11023 of 2021

Archana Raj

... Petitioner

Versus

1.The State,
Rep.by the Commissioner of Police,
Coimbatore City, Coimbatore.

2.The Inspector of Police,
All Women Police Station,
Perur, Coimbatore - 641 010.

3.Pratheesh Raj

4.Prajeesh Raj

5.Parvathy Raj

... Respondents

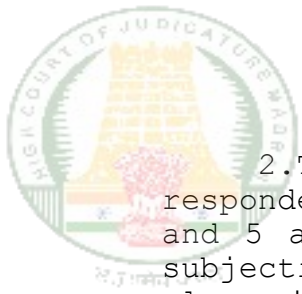
Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to forbear the first and second respondent from transferring the Crime No.3 of 2021 from the file of the Inspector of Police, All Women Police Station, Perur, Coimbatore District to Thrissur, Kerala and consequently direct the second respondent to conduct investigation and take action in accordance with law.

For Petitioner : Mr.P.Saravana Sowmiyan

For Respondents: Mr.A.Damodharan,
Government Advocate (Crl.side)

ORDER

This Criminal Original Petition has been filed seeking a direction to forbear the first and second respondent from transferring the Crime No.3 of 2021 from the file of the Inspector of Police, All Women Police Station, Perur, Coimbatore District to Thirssur, Kerala and consequently direct the second respondent to conduct investigation and take action in accordance with law.



2.The contention of the petitioner is that the third respondent is the husband of the petitioner and respondents 4 and 5 are her estranged husband's brother and mother. They are subjecting the petitioner to cruelty, abusing, threatening and also misappropriated her jewels and valuables. Therefore, the petitioner lodged a complaint for the offences under Sections 498(A), 406, 506(ii) of IPC., as against the respondents 3 to 5. Earlier, the third respondent filed an Anticipatory bail application before this Court in Crl.O.P.No.9103 of 2021, this Court granted interim anticipatory bail on 13.05.2021, wherein, it was represented by the learned Government Advocate (Crl.side) that the case is likely to be transferred to Thrissur, Kerala State, on the ground of jurisdiction. On the apprehension of transferring of the case, the petitioner filed the present petition before this Court to restrain the Inspector of Police, All Women Police Station, Perur, Coimbatore, from transferring the case in Crime No.3 of 2021 to Thrissur, Kerala.

3.Further, the learned counsel for the petitioner submitted that cruelty defined under Section 498-A is both mental and physical caused by the husband and his relatives. In support of his contention, he relied upon the decision rendered by the Hon'ble Apex Court in the case of CA.No.71 of 2012 in Rupali Devi Vs. State of Uttar Pradesh and others reported in (2019) 5 SCC 384, wherein, it is held that the provisions of 498-A of IPC, undoubtedly, encompasses both mental as well as the physical well-being of the wife. Further, it held that the Courts at the place where the wife takes shelter after leaving or driven away from the matrimonial home on account of acts of cruelty committed by the husband or his relatives, would, dependent on the factual situation, also have jurisdiction to entertain the complaint for the offence under Section 498-A of IPC.

4.The learned Government Advocate (Crl.side) appearing for the first and second respondent submits that in this case, the First Information Report is registered, investigation commenced and witnesses examined. Now the Investigation Officer has referred the case to the Social Welfare Officer, and awaiting for the report, thereafter file the final report before the appropriate Court in Coimbatore. The respondent not intent to transfer the case, as apprehended by the petitioner.

5.In view of the submission made by the learned Government Advovcate (Crl.side), the apprehension of the petitioner at this stage is misconceived and as per the Hon'ble Apex Court decision, the petitioner is living in Coimbatore. The specific submission of the learned Government Advocate (Crl.side) is that investigation almost completed and soon, final report to be filed. Accordingly, respondents 1 and 2 are directed to



complete the investigation and file the final report before the concerned Magistrate Court as expeditiously as possible.

6. With the above observation, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

Klt

To

1. The Commissioner of Police,
Coimbatore City,
Coimbatore.
2. The Inspector of Police,
All Women Police Station,
Perur, Coimbatore - 641 010.
3. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.11023 of 2021

VSN II (CO)
GN(22/07/2021)