



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.20242 of 2021

A.Jansirani ... Petitioner/Defacto complainant

Vs

State rep by
Inspector of Police,
W-32, All Women Police Station,
Madipakkam, Chennai - 600 091,
Crime No.5 of 2015.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent police to expedite the investigation and file final report in crime No.5 of 2015 pending on the file of the respondent police.

For Petitioner : Mr.D.Vijaya Babu

For Respondent : Mr.E. Raj Thilak
Additional Public Prosecutor.

ORDER

This Criminal Original Petition has been filed by the petitioner to direct the respondent police to expedite the investigation and file final report in crime No.5 of 2015, pending on the file of the respondent police.

2. The petitioner/defacto complainant lodged a complaint on 19.06.2015, against five persons for the offences under Sections 498 (A), 406, 323 & 506(i) IPC. The case has been registered in FIR No.05 of 2015, thereafter, there is no investigation in this case. Hence, the petitioner/defacto complainant has filed the present petition.

3. The gist of the complaint is that the defacto complainant married her husband, Arokia vimal A1, on 29.01.2012. It was an arranged marriage. During the marriage customary, presentations were made. One day prior to the marriage, the petitioner's mother in law and father in law demanded 100 sovereigns of gold and threatened that if their demand was not met, the marriage would be stopped. Therefore, their demand was



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met with a great difficulty. Subsequently, all the jewels of the petitioner were taken away by the accused and the petitioner has been harassed both mentally and physically and subjected to cruelty. Hence, the petitioner lodged a complaint and FIR registered. The further grievance of the petitioner is that the respondent police not made any progress in the investigation. The defacto complainant on several occasions approached the respondent police, furnished all the necessary documents and gave explanations, which was not at all considered. Each time they were giving one reason or the other to the petitioner. In the year 2017, A4 and A5 filed a petition in CrI.O.P.No.2075 of 2017, to quash the FIR, this petition got dismissed as infructuous recording, investigation completed and final report filed in that matter. Thereafter, the petitioner/defacto complainant approached for the copy application, found that the investigation is still pending and no charge sheet filed. The petitioner is not satisfied in the manner in which the investigation is being conducted and hence, sought for the transfer of the case.

4. The Additional Public Prosecutor fairly submits that in this case investigation not progressed, except filing of FIR, non examined and no statement recorded.

5. The respondent police seems to be in deep slumber, no action taken, for what reason best known to them. From the year 2015, the defacto complainant is running from pillar to post, despite she taking all efforts, no progress in the case. In view of the same, this Court inclines to transfer the crime No.05 of 2015, pending on the file of the Inspector of Police, W-32, All Women Police Station, Madipakkam, Chennai - 600 091, to any police officer of competency, to be identified by the Deputy Commissioner of Police, ST.Thomas Mount, who shall entrust the investigation to that officer to conduct investigation and file a final report within six months. Six months is only an outer limit. The Deputy Commissioner of Police is directed to periodically monitor the case. The Inspector of Police, AWPS, Madipakkam, to place the entire case Diary to the Deputy Commissioner of Police, ST.Thomas Mount, forthwith, so that necessary orders to be issued.

6. With the above directions, this criminal original petition stands disposed of.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar



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To

1. Inspector of Police,
W-32, All Women Police Station,
Madipakkam, Chennai - 600 091,
Crime No.5 of 2015.
2. The Deputy Commissioner of Police,
ST.Thomas Mount,
Chennai.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.D.Vijaya Babu, Advocate, S.R.No.62856

CRL.O.P.No.20242 of 2021

BP(CO)
CT 30/12/2021