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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.Nos.21444 and 21527 of 2021

Benazir

.. Petitioner in both
Crl.O.P.'s

Versus

1. The Commissioner of Police
Greater Chennai
Vepery
Chennai 600 007.
2. The Commissioner of Police
Tambaram
Chengalpattu District.
3. The Inspector of Police
W-32 All Women Police Station
Madipakkam
Chennai-600091.

... Respondents in both
Crl.O.P.'s

PRAYER in Crl.O.P.No.21444 of 2021:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the 3rd Respondent Police to alter the F.I.R. , by including the name of the Petitioner's brother-in-law , viz., Mohammed Gazzali Haneef as one of the accused in the F.I.R. in Crime No.5 of 2021 on the file of the 3rd Respondent-Police Station.

PRAYER in Crl.O.P.No.21527 of 2021:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the 3rd Respondent Police to alter the F.I.R. , by including Section 4 of Dowry Prohibition Act 1961 and Section 4 of the Muslim Women (Protection of Rights on Marriage) Act 2019 in Crime No.5 of 2021 on the file of the 3rd Respondent-Police Station.



For Petitioner : Mr.R.Sankarasubbu
For Respondents : Mr.R.Vinothraja
Government Advocate(crl.side)

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C O M M O N O R D E R

Crl.O.P.No.21444 of 2021 has been filed to direct the 3rd Respondent Police to alter the F.I.R., by including the name of the Petitioner's brother-in-law, viz., Mohammed Gazzali Haneef as one of the accused in the F.I.R. in Crime No.5 of 2021 on the file of the 3rd Respondent-Police Station.

2. Crl.O.P.No.21527 of 2021 has been filed to direct the 3rd Respondent Police to alter the F.I.R., by including Section 4 of Dowry Prohibition Act 1961 and Section 4 of the Muslim Women (Protection of Rights on Marriage) Act 2019 in Crime No.5 of 2021 on the file of the 3rd Respondent-Police Station.

3. Since the issue involved in both these petitions are one and the same, they are taken up together and disposed of by a common order.

4. The main grievance of the petitioner is that though there are averments and materials to show the involvement of the petitioner's brother-in-law one Mohammed Gazzali Haneef in the harassment met out by the petitioner, the respondents have not included his name in the F.I.R. That apart, though the petitioner's husband and in-laws committed the offence punishable under Section 4 of Tamil Nadu Prohibition of Harassment of Women Act and Section 4 of the Dowry Prohibition Act 1961 and Section 4 of Muslim Women (Protection of Rights on Marriage) Act 2019, the Respondent police wantonly omitted to include Section 4 of the Dowry Prohibition Act 1961 and Section 4 of the Muslim Women (Protection of Rights on Marriage) Act, 2019 in the F.I.R.

5. The learned Government Advocate (Crl.side) submitted that the complaint pertains to matrimonial dispute and the investigation is pending in this case. He further submitted that during investigation if the involvement of the Petitioner's brother-in-law one Mr.Mohammed Gazzali Haneef was found in the offence committed by the accused, he will be included as an accused in the Cr.no.5 of 2021, likewise, during investigation if the offence punishable under Sections Section 4 of the Dowry Prohibition Act 1961 and Section 4 of the Muslim Women (Protection of Rights on Marriage) Act, 2019 was made out against the accused the same shall be included in the F.I.R..



6. Recording the submission of the learned Government Advocate (Crl.side), these Criminal Original Petitions are disposed of.

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Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner of Police
Greater Chennai
Vepery
Chennai 600 007.
2. The Commissioner of Police
Tambaram
Chengalpattu District.
3. The Inspector of Police
W-32 All Women Police Station
Madipakkam
Chennai-600091.
4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Sankarasubbu, Advocate, S.R.No.61360

Crl.O.P.Nos.21444 and 21527 of 2021

AJS (CO)
CT/14/12/2021