



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2022

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.3766 of 2022

R.Sugi

... Petitioner

Vs.

1. The State represented by,
The Commissioner of Police,
Greater Chennai,,
Vepery, Chennai-600 007.
2. The Assistant Commissioner of Police,
Villivakkam Range,
Villivakkam, Chennai-600 049.
3. The Inspector of Police,
V-6, Kolathur Police Station,
Chennai-600 082.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to direct the third respondent to conduct further investigation and include all the offence committed by the accused persons based on the complaint dated 20.01.2022 in the First Information Report in Crime No.1078 of 2021 and to file the final report.

For Petitioner	: Mr.S.Alan David Rufus
For Respondents	: Mr.A.Gokulakrishnan
	Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the third respondent to conduct further investigation by including all the offence committed by the accused persons based on the complaint dated 20.01.2022 in the First Information Report in Crime No.1078 of 2021 and to file the final report.

2. It is the case of the petitioner that the petitioner and her husband had taken loan from LIC Housing Finance and purchased a flat at No.24/50, 2nd floor, Budhar Street, Vetriselvi Anbazhagan Nagar, Chennai-600 082 from one of the accused person M.Gnanasekaran. The petitioner and her family had



been permanently residing at the aforesaid address. Since, the petitioner's husband runs a hardware store at Thandalam, the petitioner and her family temporarily shifted to Thandalam, during the month of May 2021. The accused on coming to know this, had broke opened the lock and trespassed into the house along with his family members, without the knowledge of the petitioner.

3. On 16.11.2021, when the petitioner had visited the property, she was shocked that the accused had trespassed into the property and when it was questioned by the petitioner and her family members, the accused have confronted her and abused, assaulted and harassed her. Due to which, the petitioner suffered injuries and based on the complaint given by the petitioner, a case in Crime No.1078 of 2021 was registered by the third respondent on 17.11.2021, for the offences under Sections 294(b), 323 & 506(i) IPC. Though, the petitioner had complained about the house breaking and harassment of women requiring registration of case also for offences under Sections 451 IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, they were not included in the FIR. Since, the third respondent have not conducted the investigation properly, the present petition has been filed by the petitioner.

4. Mr.A.Gokulakrishnan, learned Additional Public Prosecutor would submit that investigation has been completed and the charge sheet is ready and if the petitioner is aggrieved with the final report, she is entitled to challenge the same before the Court concerned, in view of the judgment of the Hon-ble Supreme Court in Vinubhai Haribhai Malaviya and Others .v. State of Gujarat and Another reported in (2019) 3 MWN CrI. 349.

5. In view of the same, this Court directs the respondents to complete the investigation and file the final report as expeditiously as possible. However, liberty is granted to the petitioner to challenge the final report if she is aggrieved with the same. On such application being filed, the Court below can deal with the same strictly in accordance with law, by considering the facts of the case and in accordance with the judgment of the Hon-ble Supreme Court referred supra.

6. Accordingly, the Criminal Original Petition stands disposed of.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar



ham/rgi

To

WEB COPY

1. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai-600 007.
2. The Assistant Commissioner of Police,
Villivakkam Range,
Villivakkam, Chennai-600 049.
3. The Inspector of Police,
V-6, Kolathur Police Station,
Chennai-600 082.
4. The Public Prosecutor,
High Court of Madras.

Cr1.O.P.No.3766 of 2022

MT (CO)
CT 21/03/2022