



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2022

CORAM

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.6476 of 2022

Aruna,
W/o.N.Ravi

... Petitioner

Vs

1. The Superintendent of Police,
Kancheepuram District,
Kancheepuram.

2. The Inspector of Police,
Salavakkam Police Station,
Salavakkam,
Uthiramerur Taluk,
Kancheepuram District.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., pleaded to direct the second respondent police to alter the offence registered under Sections 294(B), 324 and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 into under Section 294(B), 324, 354, 307, 506(1) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002.

For Petitioner : Mr.A.Ramalingam

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking for a direction to the second respondent, to alter the offence registered under Sections 294(B), 324 and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 into under Section 294(B), 324, 354, 307, 506(1) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002.



2. It is a case of the petitioner that a Matrimonial dispute is pending between the petitioner and her husband N.Ravi. Earlier, on 26.04.2021 at about 10.00 PM, the petitioner's husband with an intention to kill his wife had forcefully assaulted her and attempted to push her in a dilapidated unused well and due to the intervention of the daughters and others she was rescued. Immediately, the petitioner has given a complaint over the phone, however, no police action was taken. Since the petitioner's husband continued to harass the petitioner, the petitioner has filed a Domestic Violence Case in DVC.No.45 of 2021 before the Mahila Court at Alandur and the same is pending.

3. While so, on 02.03.2022, when the petitioner along with her mother and brother went to her matrimonial home, she had found that her husband along with another woman from Kerala. When it was questioned by the petitioner, the petitioner's husband had brutally assaulted with Koduva causing multiple injuries on the petitioner, petitioner's mother and petitioner's brother. In that incident, the petitioner had sustained grievous injuries on the neck. Subsequently, the petitioner made a complaint over phone but no action was taken. Later, a case in Crime No.79 of 2022 was registered by the second respondent for the offence under Sections 294(B), 324 of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002. The injuries sustained by the petitioner, her mother and her brother was serious in nature. More over, the entire scene was also recorded in the mobile phone.

4. Despite the materials available on record disclosing that the petitioner's husband had brutally attacked the petitioner with an intention to commit murder, the respondent had registered a case for the offences only under Sections 294 (B), 324 of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002. Thereby, the present petition has been filed seeking to alter the offence under Sections 294 (B), 324, 354, 307, 506(1) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002.

5. The learned Additional Public Prosecutor would submit that the respondents will duly look into the materials available and based on the materials the offences will be altered, if required.

6. Heard both parties and perused the materials available on records.

7. The petitioner along with the materials available is directed to approach the second respondent and he shall conduct



the investigation based on the materials produced by the petitioner. The investigation which has to be done by the second respondent shall be closely monitored by the Deputy Superintendent of Police, Madhuranthagam. The second respondent shall continue the investigation and file the final report, as expeditiously as possible, preferably, within a period of three months from the date of receipt of a copy of this order.

8. This Criminal Original Petition stands disposed of with the above direction and observation.

Sd/-
Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

rgm/arb

To

1. The Superintendent of Police,
Kancheepuram District,
Kancheepuram.
2. The Inspector of Police,
Salavakkam Police Station,
Salavakkam,
Uthiramerur Taluk,
Kancheepuram District.
3. The Public Prosecutor,
High Court of Madras.

Copy to:

The Deputy Superintendent of Police,
Maduranthagam.

+1cc to M/s.A.Ramalingam, Advocate, S.R.No.19939

Cr1.O.P.No.6476 of 2022

SKM(CO)
SU(05/04/2022)