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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2022

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

W.P.No.7421 of 2022
and W.M.P.No.7418 of 2022

N.Mageshwari ...Petitioner/Defacto Complainant

Vs.

1. The State Represented by,
The Director General of Police,
Kamarajar Road,
Chennai - 600004.

2. The Superintendent of Police,
Superintendent of Police Office Building,
Tirupur District.

3. The Inspector of Police,
All Women Police Station,
Udumalaipet,
Tirupur District.

...Respondents/Complainant

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleased to pass an order or direction or writ, more particularly Writ of Mandamus directing the 1st respondent to transfer the investigation which is pending on the file of the 3rd respondent police in Crime No.13 of 2021 to Crime Branch Crime Investigation Department (CB CID) for investigation and consequently directing the 1st and 2nd respondents to consider the petitioner representation dated 16.09.2021.

For Petitioner : Mr.M.Kalaiyaran

For Respondents : Mr.A.Gokulakrishnan

Additional Public Prosecutor

O R D E R

The Writ Petition has been filed to direct the 1st respondent to transfer the investigation which is pending on the file of the 3rd respondent police in Crime No.13 of 2021 to Crime



Branch Crime Investigation Department (CB CID) for investigation and consequently directing the 1st and 2nd respondents to consider the petitioner representation dated 16.09.2021.

2. The case of the petitioner is that she got married to one Mr.Nagaraj ten years back and that while she was six months pregnant, her husband deserted her and he has not returned for the past ten years. While so, the petitioner's uncle's son one Mr.Manikandan got acquainted with her and had represented her that he loves her and he would take care of her child. Thereby, their friendship become intimate and using the friendship, the said Manikandan had sexual intercourse with her. Due to which, she became three months pregnant. When the petitioner had insisted for marriage, the said Manikandan and his parents had told that if only an amount of Rs.2 lakhs and 50 sovereigns of gold jewels are given, the marriage will be solemnized.

3. Therefore, the petitioner had given a complaint to All Women Police Station, Udumalaipet on 12.05.2021. However, they did not take any action, the petitioner had filed a petition under Section 156(3) before the Judicial Magistrate, Udumalaipet and based on the directions of the Judicial Magistrate, a case was registered in Crime No.13 of 2021 for the offences punishable under Section 417, 506(ii) of IPC and Section 4 of Dowry Prohibition Act, 1961.

4. It is the further case of the petitioner that the 3rd respondent supporting the accused, had not conducted the investigation in the proper manner. Thereby, the petitioner had sent a representation to the 2nd respondent seeking to transfer the investigation on the file of the 3rd respondent to any other competent Investigation Agency.

5. Learned Additional Public Prosecutor would submit that the petitioner is a married woman and the accused, who is the close relative of the petitioner, had developed intimacy with her. Due to which, she has become pregnant. Based on the directions of the learned Judicial Magistrate, Udumalaipet, a case in Crime No.13 of 2021 has been registered by the 3rd respondent for offences punishable under Sections 417, 506(ii) of IPC and Section 4 of Dowry Prohibition Act, 1961. He would further submit that the investigation is being properly done and the final report will be filed within a period of three months. He would also submit that if the petitioner is not satisfied with the investigation, a direction may be issued to the Deputy Superintendent of Police, Udumalaipet Range to monitor the investigation.



Copy to

The Deputy Superintendent of Police
Udumalaipet Range, Tirupur District

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+1 CC to Mr.M.Kalaiyarasan, Advocate sr 21496.

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GPL (CO)
SP (18/04/2022)