



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2022

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.(MD) No.5203 of 2022

C.N.Balasaraswathy

...Petitioner

Vs.

1. The Inspector of Police,
All Women Police Station,
Ayanavaram,
Kilpauk,
Chennai.

2. The Inspector of Police,
All Women Police Station,
Aruppukottai,
Virudhunagar District.

3. Saravanan

4. Kumar

5. K.Rajeshwari

6. Ponmari

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to transfer the investigation of the FIR No.1 of 2021 dated 15.03.2021 on the file of the 1st Respondent to the 2nd Respondent.

For Petitioner : Mr.R.Murugappan

For Respondents : Mr.R.M.Anbunithi
No.1 & 2 Additional Public Prosecutor

ORDER

This petition has been filed seeking direction to transfer the investigation of the FIR No.1 of 2021 dated 15.03.2021 on the file of the first respondent to the file of the second respondent.

2. Since the accused persons namely 4 to 6 have no say on the transfer of investigation and as such, notice is not necessary to be sent.

3. The petitioner got married with the third respondent on 23.05.2013. Thereafter there was cruelty against the petitioner by demanding huge dowry and as such, she was driven out from the matrimonial home and now she is residing at her parents' house at Aruppukottai. Immediately after the cruelty, the petitioner lodged a complaint before the first respondent and the same has been registered in Crime No.1 of 2021 for the offences under Sections 498 (A), 294(b), 506(ii) and 34 of IPC as against the respondents 3 to 6 herein. Even before registration of the First Information Report she

was driven out from the matrimonial home and they tortured the petitioner at her parents house.

4. The learned counsel for the petitioner would submit that the respondents 3 to 6 started cruelty against the petitioner within the jurisdiction of the first respondent and part of the offence was happened at the jurisdiction of the second respondent. That apart, the petition seeking restitution of conjugal rights filed by the third respondent, is also transferred to the Court having the jurisdiction of her parents house.

5. In view of the same, the entire investigation on the file of the first respondent in Crime No 01 of 2021 is hereby withdrawn from the file of the first respondent and transferred to the file of the second respondent for investigation.

6. This Criminal Original Petition is allowed accordingly. The first respondent is directed to sent the entire case records in Crime No. 1 of 2021 to the file of the second respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the second respondent is directed to complete the investigation and file the final report within a period of twelve weeks therefrom.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1. The Inspector of Police,
All Women Police Station,
Ayanavaram,
Kilpauk,
Chennai.
2. The Inspector of Police,
All Women Police Station,
Aruppukottai,
Virudhunagar District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.R.MURUGAPPAN, Advocate (SR-13387[F] dated 22/03/2022)
Crl.O.P.(MD) No.5203 of 2022
21.03.2022