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CrI.O.P.No.1355 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2023

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THE HON'BLE Mr. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.1355 of 2023

Padmavathi

...Petitioner

Vs.

1.The Commissioner of Police,
Avadi, Chennai.

2.The Assistant Commissioner of Police,
T-15 SRMC P.S.,
Ambattur, Chennai.

3.State Rep. by
Inspector of Police,
T-15 SRMC P.S.,
Ambattur.

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, praying to transfer the investigation of the case in Crime No.538 of 2022 pending on the file of 3rd respondent police station to any other officer under the supervision of the 1st respondent Commissioner of Police, Avadi and 1st respondent to monitor the investigation.

For Petitioner : Mr.M.Vijay

For Respondents : Mr.S.Santhosh

Government Advocate (CrI.Side)



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ORDER

WEB COPY This Criminal Original Petition has been filed to transfer the investigation of the case in Crime No.538 of 2022 pending on the file of 3rd respondent police station to any other officer under the supervision of the 1st respondent Commissioner of Police, Avadi and 1st respondent to monitor the investigation.

2. Learned counsel for the petitioner submitted that the petitioner gave a complaint against one Champak Pawar for having sexual relationship with her, on the promise of marriage and later, refusing to marry her. On the basis of the complaint, a case in Crime No.538 of 2022 for the offences under Sections 417, 420, of IPC r/w Section 4 of THPHW Act registered by SRMC, Ambattur.

3. He further submitted that, the accused had taken certain articles of the petitioner and had returned only a part of the articles. In this regard, subsequently, a representation was given to the respondent police. Since no effective investigation was done by the respondent police, this petition is filed.

4. Learned Government Advocate (Criminal side) submitted that First



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Information Report was registered on 24.09.2022, the respondent police is investigating this case. Out of ten items listed in the representation given by the petitioner on 14.10.2022, five items have been returned by the accused Champak Pawar. He further requested that sufficient time may be given to the respondent police for completion of investigation and for filing report.

5. Considered the submissions and perused the records.

6. It is seen from the First Information report that petitioner and accused Champak Pawar fell in love with the petitioner and they have roamed in places like beach, hotel etc. She has also allowed the accused to have sexual relationship with her and he promised to marry her. It is also claimed that they lived as husband and wife. Then, it is alleged that Champak Pawar is now trying to marry a women of his parents choice. Therefore, petitioner consumed sanitizer at about 07.30 pm at 22.09.2022. While she was taking treatment in the hospital, she gave this complaint. The complaint and allegations shows that petitioner and accused had met as friends, became lovers and had sexual relationship. It is doubtful that, whether an offence under Section 376 of IPC can be made out in this case. As submitted by the learned Government



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Advocate (Criminal side), the respondent police is investigating this case. The case is registered only on 24.09.2022 and the Accused belongs to different State.

7. In such circumstances, this Court is of the view that, respondent can be given certain time for completion of investigation and filing of final report. It is not a fit case for ordering transfer of investigation to some other agency.

8. In such view of the matter, this Criminal Original Petition is dismissed, giving direction to the respondent police to complete the investigation within a period of three months from the date of receipt of a copy of this order and file a final report before the concerned jurisdictional Court.

24.01.2023

Index: Yes/No

Speaking Order: Yes/No

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To

1. The Commissioner of Police,
Avadi, Chennai.



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2.The Assistant Commissioner of Police,
T-15 SRMC P.S.,
Ambattur, Chennai.

3.The Inspector of Police,
T-15 SRMC P.S.,
Ambattur.

4.The Public Prosecutor,
Madras High Court.



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G.CHANDRASEKHARAN.J.,

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