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CrI.OP.No.3454 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2023

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THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.3454 of 2023

G.Vasanthi

... Petitioner

Vs.

1.The Commissioner of Police,
Chennai City,
Vepery,
Chennai.

2.The Inspector of Police,
W6 All Women Police Station,
Ayanavaram,
Chennai – 23.
(Crime No.05 of 2020)

...Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records with regard to the final report filed in C.C.No.70 of 2021 on the file of the Additional Mahila Court, Egmore, Chennai and to set aside the same and consequently direct the respondent to further investigate in Crime No.05 of 2020 on the file of the respondent herein and to file charge sheet afresh pursuant to the petitioner's representation dated 24.11.2022.

For Petitioner : Mr.V.Illanchezian



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Crl.OP.No.3454 of 2023

For Respondents : Mr.S.Santhosh
Government Advocate(Crl.side)

ORDER

This Criminal Original Petition has been filed to call for the records with regard to the final report filed in C.C.No.70 of 2021 on the file of the Additional Mahila Court, Egmore, Chennai and to set aside the same and consequently direct the respondent to further investigate in Crime No.05 of 2020 on the file of the respondent herein and to file charge sheet afresh pursuant to the petitioner's representation dated 24.11.2022.

2.The learned counsel for the petitioner submitted that case in First Information Report in Cr.No.05 of 2020 for the offence under Section 498 (A), 406, 354 A and 506 (2) was registered against i)Ayyavu, ii)Kamala and iii)Bharathi on the basis of complaint given by the petitioner. It was specifically alleged in the complaint that one Saravanan, Rajasekar, petitioner's husband's uncle and petitioner's friend Ravi had also involved in harassing the petitioner. She alleged in the complaint that using her husband's mobile phone, illegal activities had been done. Her husband's brother B.Rajendran got anticipatory



Crl.OP.No.3454 of 2023

bail in Crime No.69 of 2020 in Ayanavaram Police Station registered for the offence under Section 420 of I.P.C. and Section 65 of Information Technology Act, 2008. In such circumstances, instead of filing final report against all the accused involved in this case and filing final report under the relevant provisions of Information Technology Act, the final report is filed only for the offence under Section 498 (A), 406, 354 (A) and 506 (2) I.P.C. Therefore, this petition is filed for further investigation.

3.The learned Government Advocate (Criminal side) submitted that approaching this Court for further investigation without seeking the remedy before the concerned Judicial Magistrate is not right.

4.This Court agrees with the submission of the learned Government Advocate (Criminal side), that directly approaching this Court without seeking the remedy for further investigation before the concerned Magistrate Court is not proper. Without going into the merits of the case, this petition is disposed giving liberty to the petitioner to file appropriate petition before the learned Judicial Magistrate for seeking further investigation in this case.



WEB COPY



Crl.OP.No.3454 of 2023

5. With the above observations and direction, the Criminal Original
Petition is disposed.

15.02.2023

Internet : Yes / No

Index : Yes / No

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WEB COPY



Crl.OP.No.3454 of 2023

To

- 1.The Commissioner of Police,
Chennai City,
Vepery,
Chennai.
- 2.The Inspector of Police,
W6 All Women Police Station,
Ayanavaram,
Chennai – 23.
- 3.The Public Prosecutor,
High Court of Madras, Chennai.



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Crl.OP.No.3454 of 2023

G.CHANDRASEKHARAN,J.

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Crl.O.P.No.3454 of 2023



WEB COPY



Crl.OP.No.3454 of 2023

15.02.2023