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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.07.2023

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THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.15371 of 2023

Manjamma

.. Petitioner/Mother of the Child
Vs.

1. The Superintendent of Police,
Krishnagiri
Krishnagiri District.
2. The Inspector of Police,
Hosur, All Women Police Station,
Krishnagiri, Krishnagiri District

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to transfer the investigation in Crime No.22 of 2023 pending on the file of the respondent police to some other competent investigating agency.

For Petitioner : Mr.S.Sagayanathan
For Respondent : Mr.A.Damodaran
Additional Public Prosecutor



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ORDER

This petition has been filed seeking for transfer of investigation in Crime No.22 of 2023, pending on the file of the 2nd respondent police.

2. The petitioner is the mother of the victim girl and she gave a complaint to the respondent police stating that her daughter who is a minor aged about 17 years went missing and that she was taken away by the accused person with a promise to marry. According to the petitioner, the respondent police did not properly investigate the case and the girl was admitted in a home at Tirupattur District. The petitioner claimed that the girl was interested in coming along with the parents and the respondent police was not willing to send the girl with her parents. Hence, the present criminal original petition has been filed before this Court.

3. When the matter came up for admission on 17.07.2023, this



Court directed the learned Additional Public Prosecutor to take instructions and to report before this Court. This Court also directed the victim girl to be produced before the Court.

4. When the matter was taken up for hearing today, the victim girl and her parents were also present before this Court. The learned Additional Public Prosecutor also produced the 164 statement that was recorded from the victim girl by the learned Judicial Magistrate II, Hosur.

5. On carefully going through the 164 statement that was recorded by the Court below, it is seen that the victim girl had developed a love affair with one Prashanth Kumar. Steps were taken to get the victim girl marry to some one else and hence, the victim girl had pressurised the said Prashanth Kumar and both of them eloped and they are said to have got married in some temple. For some time, they continued to roam around and ultimately on 22.04.2023, both of them went to the office of the District Collector, Krishnagiri.

6. A Habeus corpus petition was filed before this Court in HCP



No.473 of 2023 and the same was disposed of by this Court by an order dated 26.04.2023. This Court directed the victim girl to stay in a home and the respondent police was also directed to produce the victim girl before the Child welfare committee.

7. The grievance of the petitioner is that the victim girl was willing to go along with her parents and whereas, she was forced to stay in the home.

8. The victim girl who was present before this Court stated that she is willing to go along with her parents provided that they do not put any pressure on the victim girl to marry any one. The parents of the victim girl also undertook that they will not pressurise the victim girl to marry any one else.

9. Taking into consideration the facts and circumstances of the case, the victim girl is permitted to go along with her parents and the parents shall not put any pressure on the victim girl to marry any one else. The respondent police shall ensure that the victim girl is not



pressurised to marry any one else.

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10. In view of the above development, there is no need for transferring the investigation and it will suffice if a direction is given to the respondent police to complete the investigation and file the final report or the closure report as the case may be before the concerned jurisdictional Court within a period of four weeks from the date of receipt of a copy of this order.

11. This Criminal Original Petition is disposed of in the above terms.

19.07.2023

Index :Yes/No
Internet:Yes/No
Speaking/Non speaking order
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To

1. The Superintendent of Police,
Krishnagiri
Krishnagiri District.



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2. The Inspector of Police,
Hosur, All Women Police Station,
Krishnagiri, Krishnagiri District

3. The Public Prosecutor,
High Court, Madras.

N. ANAND VENKATESH,J

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