



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.21532 of 2023

M.Hamritha

... Petitioner

Vs.

1.State by Superintendent of Police,
Erode, Erode district, Tamil Nadu.

2.State by Inspector of Police,
All Womens Police Station,
Bhavani, Erode District.

....Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to reopen the investigation in Cr.No. 10 of 2021 on the file of the Inspector of police, All women's Police Station, Bhavani and investigate the same as per law.

For Petitioner : Mr.K.P.Anantha Krishna

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor



ORDER

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This criminal original petition has been filed seeking for reopening the investigation in Crime No.10 of 2021 which was pending on the file of the 2nd respondent.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor.

3.The petitioner had earlier given a complaint before All Women Police Station, Ammapet. Based on the complaint, an FIR was registered in Crime No.8 of 2020 for offence under Section 489(A) of IPC and Section 4 of Dowry Prohibition Act, 1961 against four accused persons. The investigation was transferred to the file of the 2nd respondent and the FIR was renumbered as Crime No.10 of 2021.

5.During the course of investigation, the 1st accused viz., the husband of the petitioner agreed to live with the petitioner. Believing the same, the respondent police also filed a closure report as further action dropped before the Additional



Mahila Court, Erode in RCS No.21 of 2021.

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6.The grievance of the petitioner is that her husband went back on his promise and took advantage of the closure report and never bothered to take back the petitioner into the matrimonial home. The learned counsel for the petitioner also submitted that A1 had proceeded to marry someone else when the marriage has not even been dissolved till date.

7.In the light of the above submission, the 2nd respondent is directed to issue a notice to the husband of the petitioner viz., Kirubaharan, S/o.Arumugam. If the 2nd respondent is able to ascertain that the husband of the petitioner has gone back on his promise by taking advantage of the closure report, the 2nd respondent is directed to register a fresh FIR against the accused person and proceed further with the investigation. While registering the FIR, the previous complaint, the FIR registered in Crime No.10 of 2021 and the closure report filed based on the undertaking given by the husband shall be specifically stated in the FIR. So that, there is a continuity in the cause of action and there is a specific reason assigned as to why a fresh FIR is registered by the 2nd respondent. This exercise shall be



completed by the 2nd respondent, within a period of four weeks from the date of

receipt of copy of this order.

8.This criminal original petition is disposed of with the above directions.

19.09.2023

Index : Yes/No

Internet : Yes/No

Speaking/Non-Speaking Order

Neutral Citation : Yes/No

ssr



To

WEB COPY

- 1.The Superintendent of Police,
Erode, Erode district, Tamil Nadu.
- 2.The Inspector of Police,
All Womens Police Station,
Bhavani, Eroda District.
- 3.The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J

SSI

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