



WEB COPY



Crl.OP.No.8523 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.8523 of 2024

Rathinam

... Petitioner

Vs.

State

Rep by its Inspector of Police,
Ambur Taluk Police Station,
Thirupathur District.

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to direct the respondent police to conduct further investigation by a competent Women Investigation Officer not below the rank of Inspector of Police in C.C.No.49 of 2023 on the file of Judicial Magistrate, Ambur and to file a supplementary or additional charge sheet/final report within a stipulate.

For Petitioner : Mr.J.Ravi Kumar

For Respondent : Mr.S.Udaya Kumar,
Government Advocate (Crl.Side)

ORDER

The petition is filed for further investigation making certain allegations does not form part of the FIR. As far as the complaint given



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by the petitioner herein is concerned, it is regarding cheating her by not paying the sale consideration of the property which is sold to the accused and when she demanded the money of sale consideration, she and her daughter were abused by using filthy language and assaulted.

2. The respondent police has registered an FIR on 22.03.2022 in Cr.No.116 of 2022 has filed final report on 24.03.2023 and the same has been taken on file in C.C.No.49 of 2023 by the learned Judicial Magistrate, Ambur for the offences punishable under Sections 294b and 323 of IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act. The daily status of the case indicates that so far two witnesses been examined. At this stage, the present petition is filed for further investigation stating that the accused under the guise of advancing loan cheated the defacto complainant and got sale deed executed.

3. The learned counsel also states that the petitioner has filed a Civil Suit and the same is pending.



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4. This Court finds that as per the FIR and 161 Statement, investigation has been conducted and final report filed. The trial Court also based on the materials available has framed charge. However, from the 161 statement of the complainant and others , it appears that there is an element of criminality which should attract offence, cheating and criminal breach of trust. The charges now framed can be tested after the recording of evidence and if any alternation of charge should be made, it can be done in accordance with the law by the trial Court. At this stage, it is not necessary for transfer of investigation, primarily for the reason that after two years of incident, the petitioner has come out with different versions then what is found in the complaint. Therefore, the Criminal Original Petition is disposed of with direction to the trial court to consider the evidence of witnesses and if necessary to alter the charge in accordance with law and facts which is available for consideration.

Vv
To

08.04.2024

1. The Inspector of Police,
Ambur Taluk Police Station,
Thirupathur District.
- 2 The Public Prosecutor,
High Court of Madras,
Chennai.



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Dr.G.JAYACHANDRAN,J.

Vv

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