



Crl.O.P.No.13523 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2024

CORAM

THE HONOURABLE Dr.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.13523 of 2024

Subasri

... Petitioner

Vs.

State of Tamil Nadu represented by its
Inspector of Police,
All Women Police Station,
Mayiladuthurai.

... Respondent

PRAYER: Criminal Original Petition filed under Section 428 of the Criminal Procedure Code, calling for the records with regard to the final report filed in SC.No.52/2022 on the file of the District Fast Track Mahila Court, Nagapattinam and to set aside the same and consequently direct the respondent Police to reinvestigate the case in Cr.No.24/2020 on the file of the Inspector of Police, A.W.P.S. Mayilaaduthurai and to file a final report before the competent Court.

For Petitioner : Ms.T.Divya

For Respondents : Mr.S.Udayakumar
Government Advocate (Crl. Side)



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ORDER

WEB COPY The petitioner herein has developed affair with one Vivek Ravi Raj and lodged a complaint against him on 29.08.2020 which has been registered in Crime No.24 of 2020 and investigated.

2. On completion of investigation, final report for offences under Section 417, 420, 294(b), 506(2), 376(1) of IPC has been filed. The petitioner herein, being aggrieved with the same that the Investigation Officer had not done the investigation properly and not collected the electronic evidence, such as conversation between victim and the defacto complainant had not recorded the 126 statement of the complainant and her family members properly and further failed to record statement of the victim by a Magistrate and not investigated the earlier pregnancy and abortion, the present petition has been filed to set aside the final report and transfer the investigation to the some other and reinvestigate the case.

3. The learned counsel for the petitioner submitted that since the accused happen to be a Policeman, the Investigating Officers have not conducted the investigation properly and vital material evidence which will



clearly prove the guilt of the case not been done properly collected.

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4. The learned Government Advocate (Crl. Side) would submit that the statement of the witnesses, the victim, her mother and others have been properly recorded and from the material collected during the course of the investigation, necessary charges been altered and final report filed for major offences of Section 376(i) of IPC. The complaint dated 29.08.2020 alleging that due to her intimacy with the accused, she got pregnant in the month of January, 2019 and later it was aborted could not be investigated, since the petitioner has not provided any material to probe the said fact. The said pregnancy about 20 months prior to the complaint could not be probed for want of material evidence from the complainant otherwise all other facts have been been verified and evidence collected for laying the final report.

5. This Court on perusing the statement of the witnesses and the complaint of the petitioner herein finds that non-registration of the statement through Magistrate under 164 not fatal to the case of the prosecution, since the petitioner had given her statement and it has to be substantiated in the course of trial.



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6. Regarding the said facts relating to pregnancy, Police could not able to proceed much on the line due to want of evidence. Therefore, this Court finds no reason to set aside the final report and transfer reinvestigation. Hence, this Criminal Original Petition is dismissed. No costs.

09.09.2024

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Index : Yes/No

Speaking order: Yes/No

Neutral Citation: Yes/No



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WEB COPY To

- 1.The Inspector of Police,
All Women Police Station,
Mayiladuthurai.
- 2.The District Fast Track Mahila Court,
Nagapattinam.
- 3.The Public Prosecutor,
Madras High Court.



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Dr.G.JAYACHANDRAN, J.

KKN

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