



WEB COPY



Crl.O.P.No.16820 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

Crl.O.P.No.16820 of 2024

H.Bhagyalakshmi

... Petitioner

Vs.

State Rep.by
The Inspector of Police,
All Women Police Station,
Sankagiri, Salem District.
Crime No.07 of 2014

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to call for the records with regard to the final report filed in C.C.No.285 of 2018 pending on the file of the learned Judicial Magistrate Court-II, Sankagiri, Salem District and set aside the same and consequently direct the respondent police to investigate the case in Crime No.07 of 2014 in his file and file a final report a fresh.

For Petitioner : Mr.M.Jaikumar

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

For Intervenor : Mr.T.Sivamanii



Crl.O.P.No.16820 of 2024

WEB COPY

ORDER

The petitioner herein is the defacto complainant in C.C.No.285 of 2018. Her petition for further investigation was dismissed by the trial Court. Being aggrieved, the present petition is filed.

2. The learned counsel appearing for the petitioner states that within 12 days of the marriage, the petitioner was drove out from the matrimonial home even without consummation of the marriage, the accused misrepresented that she is a physically disabled person. The police during the investigation has not collected the material records and therefore, further investigation is required.

3. The learned Government Advocate (Crl.Side) appearing for the respondent police states that the case was registered in Crime No.7 of 2014 on the complaint dated 27.10.2014, the final report has been filed in the year 2018 and taken cognizance in C.C.No.285 of 2018.

4. The point raised by this Court is that why the present petition is filed six years after taking cognizance.



CrI.O.P.No.16820 of 2024

WEB COPY

5. The learned counsel appearing for the petitioner submits that only after cross examination of PW.1/defacto complainant, he came to know about the failure of the prosecution not marking the medical records.

6. The learned counsel appearing for the accused intervened and produced two orders of this Court which were marked as defence exhibits, while PW.1 was in the witness box. Since by way of cross examination, new documents been marked and the facts subsequent to the complaint been brought on record.

7. This Court is of the view that the petitioner, who is the victim/the defacto complainant, has also been given an opportunity to mark her documents. Since the police has failed to collect those documents and filed it, the petitioner is permitted to mark the documents in the course of examination of prosecution witnesses.

