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CrI.O.P.No.15883 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CrI.O.P.No.15883 of 2024

M.S.Vishnupriya

... Petitioner

Vs.

1.State by Inspector of Police,
W-23, All Women Police Station,
Royapettah, Chennai - 600 014.
(Crime No.3 of 2023)

2.B.S.Rajkumar
3.B.K.Sugumaran

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C. to set aside the final report dated 07.12.2023 filed by the first respondent in C.C.No.3270 of 2023, on the file of the XVIII Metropolitan Magistrate, Saidapet, Chennai and direct the transfer of investigation from the file of the first respondent to the file of any other investigating agency with a direction to conduct further investigation into the matter and file a report afresh.

For Petitioner : Mr.S.Sadasharam

For Respondents : Mr.S.Sugendran
Additional Public Prosecutor for R1

Mr.A.M.Ilango
for R2 and R3



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ORDER

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The petitioner has filed this Criminal Original Petition to set aside the final report dated 07.12.2023 on the file of the XVIIIth Metropolitan Magistrate, Saidapet, Chennai, in C.C. No. 3270 of 2023, and to transfer the investigation from the first respondent to any other investigating agency, with a direction to conduct further investigation into the matter and file a fresh report.

2. The learned counsel for the petitioner submits that, despite the accused having issued a life threat, the police did not file a charge sheet for the offence under Sections 307, 406, and 506(ii) of the Indian Penal Code (IPC). Therefore, the investigation conducted by the first respondent is not fair and is liable to be set aside. The learned counsel further prays for the investigation to be transferred to another investigating agency.

3. Heard the learned Additional Public Prosecutor on the submissions made by the learned counsel for the petitioner.

4. Admittedly, the petitioner is the wife, the second respondent is the husband, and the third respondent is the father-in-law. It is alleged that the petitioner was threatened with dire consequences, including a life threat, in



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connection with demands for dowry. Therefore, according to the petitioner, offences under Sections 307, 406, and 506(ii) of the IPC should have been invoked. However, the final report filed by the first respondent charges only under Section 498-A and Section 294(b) and 506(ii) of the IPC against the second respondent, and under Sections 498-A and 294(b) of the IPC against the third respondent. Upon examining the records, it appears that in the 161 statement of the de facto complainant, while the accused did use abusive language and life threat, however, no mention of any deadly weapon or other elements that would substantiate the charges under Section 307 IPC is made out. Further, this Court does not find any material that would attract Section 406 of the IPC.

5. Therefore, this Court does not find any reason to interfere with the final report. There is no need to set aside the final report or to order a change of the investigating agency. Accordingly, this criminal original petition is dismissed. However, the petitioner is at liberty to raise all her contentions during the course of the trial.

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Index : Yes/No
Neutral Citation Case : Yes/No
Speaking Order : Yes/No

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To

- 1.The Inspector of Police,
W-23, All Women Police Station,
Royapettah, Chennai - 600 014.
(Crime No.3 of 2023)
- 2.The XVIII Metropolitan Magistrate,
Saidapet, Chennai.
3. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J

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