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Crl.O.P.No.18646 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 03.07.2025

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.18646 of 2025

Sania, D/o Sushil Singh

.. Petitioner

Vs.

State represented by
The Inspector of Police,
W-22, All Women Police Station,
Mylapaore, Chennai-600 004,
Crime No.13 of 2025

.. Respondent

Criminal Original Petition filed under Section 528 of the BNSS to direct the respondent-Police to take steps for recording of the victim/de-facto complainant's statement before the concerned Magistrate under Section 183 of the BHSS (Section 164 Cr.P.C) in Crime No.13 of 2025, dated 29.04.2025 on the file of the respondent-Police.

For petitioner : M/s.Shaika Mehrunnisa Kasim

For respondent: Mr.S.Vinoth Kumar, Govt. Advocate (Crl. Side)

ORDER

The petitioner has filed the present petition to direct the respondent-Police to take steps for recording of the victim/de-facto complainant's statement before the concerned Magistrate under Section 183 of the BNSS (Section 164 Cr.P.C) in

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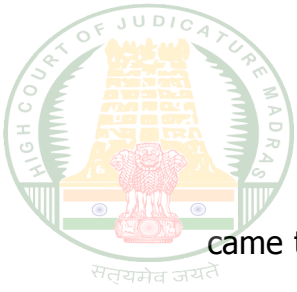
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Crime No.13 of 2025, dated 29.04.2025 on the file of the respondent-Police.

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2. The petitioner is the de-facto complainant in the said crime number. She is an orphan and she met the accused in Delhi, when she was working and staying there. The accused knows about the petitioner's past and income and exploited her and took away all her earnings giving hope that he is building a house for both of them to live after marriage. He had cheated the petitioner to the tune of Rs.12 lakhs, for which necessary proof had been submitted before the Police along with all the chats between the petitioner and the accused. The accused induced the petitioner taking advantage of her past and being an orphan, saying that he will give her a family for which she is longing and took away all her earnings and even had physical relationship with her during his stay in Delhi and Chennai, for the past seven years, making her believe that he has married her and will marry her officially after he convinces his mother. The petitioner had even became pregnant and the accused forced her to abort the child, stating the reason that they can get children after marrying officially. In the month of March 2025, his mother arranged for his marriage with another girl without the knowledge of the petitioner and it was subsequently called off because that girl had found out about him living with the petitioner as husband and wife. When the marriage between them broke, the accused and his mother

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came to the petitioner's place in Chennai and threatened her to leave her son or else bring 50 sovereigns of gold and car as dowry, as she wanted to get her son married to a Doctor or Engineer. Both of them threatened the petitioner to kill and after the threat, within few days, the petitioner met with an accident causing her pelvic bone fracture, head stitches, right leg ankle bone broke and being bed-ridden, the petitioner could not go to work and had to quit her job. The petitioner raised suspicion that the accused and his mother had caused this accident, and the Police did not enquire on that angle at all. The accused had destroyed the petitioner's life and caused mental and physical stress and torture, but the Police had not chosen to include his mother in the FIR, and omitted relevant Sections of law pertaining to the other offences which are made out in her complaint, and the Police had not secured the accused till date though the FIR was registered under Sections 64, 68 and 318 (2) of the Bharatiya Nagarik Suraksha, in which, the punishment is above 10 years imprisonment till life and other two Sections of law are having punishment upto 7 years of imprisonment.

3. The petitioner came to know that the accused had sought for anticipatory bail and the respondent-Police had not recorded the petitioner's statement under Section 164 Cr.P.C. till date, inspite of her approaching them in person and phone. She was called thrice by the Police and sent back for the

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reasons best known to them.

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4. The further bone of contention of the petitioner is that the Police are now attempting to transfer the FIR to Delhi after the accused obtains his anticipatory bail. Both the petitioner and the accused are residing in Chennai and the offence was a continued offence committed for the last 7 years both in Delhi and Chennai and hence, according to the petitioner, the respondent-Police has jurisdiction to try the case in Chennai itself. The accused made the petitioner leave Delhi permanently and brought her to Chennai and now she is working in Chennai and having her livelihood in Chennai. The petitioner did not have a job or place to live in Delhi. The accused is a permanent resident of Chennai.

5. If the accused is not secured, the petitioner apprehends life danger from him and his mother, as she has already suffered an accident within few days after threat from them. The respondent-Police are not forwarding or progressing the case, except for filing of FIR, that too after the petitioner approached the Commissioner of Police and National Commission for Women who gave specific direction to try the case in Chennai in a speedy manner. Hence, the petitioner has filed the present Writ Petition.

6. Heard both sides and perused the materials available on record.

7. Taking into consideration the facts and circumstances of the case, the respondent-Police is directed to produce the victim before the 18th Metropolitan

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Magistrate, Saidapet, Chennai, for recording of the evidence/statement of the victim/de-facto complainant, under Section 183 of the Bharatiya Nagarik Suraksha Sanhita (Section 164 Cr.P.C) in Crime No.13 of 2025, dated 29.04.2025, as early as possible.

8. With the above direction, this petition is disposed of.

03.07.2025

CS

To

1. The Inspector of Police,
W-22, All Women Police Station,
Mylapaore, Chennai-600 004,
Crime No.13 of 2025
2. The Public Prosecutor, High Court, Madras.

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