



CrI.O.P.No.21799 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2025

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THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CrI.O.P.No.21799 of 2025

and

CrI.M.P.No.14926 of 2025

Revathi

...Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Mappedu Police Station,
Tiruvallur District – 602 002.
Crime No.496 of 2021

...Respondent

Petition filed under Section 528 of the Bharatiya Suraksha Sanhita, 2023 calling for the records pertaining to the final report filed in S.C.No.104 of 2024, pending on the file of the Hon'ble Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court), Tiruvallur, and set aside the same and consequently transfer the investigation in Crime No.496 of 2021, on the file of Mappedu Police Station, Tiruvallur District, to any other competent investigating agency for further investigation and direct the said agency to file a fresh final report.

For Petitioner : Mr.P.Rajkumar
For Respondent : Mr.S.Vinoth Kumar,
Government Advocate (CrI.Side)



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ORDER

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2. It can be seen that upon complaint of the petitioner dated 11.10.2021 against her husband and in-laws, a case was registered in Crime No.496 of 2021 for alleged offences under section 498-A, 323, 307 of Indian Penal Code r/w. Section 4 of Tamil Nadu prohibition of harassment of Women Act, 2002. After registering the case, the respondent police have now completed the investigation and laid a charge sheet which was taken on file as PRC.No.9 of 2024 and after appearance of the accused and furnishing of the copies, is now committed and is taken on file as SC.No.104 of 2024. At this stage, the petition is filed by the petitioner / de-facto complainant's wife.

3. According to the learned counsel for the petitioner, the prosecution has chosen to examine some of the witnesses who are not at



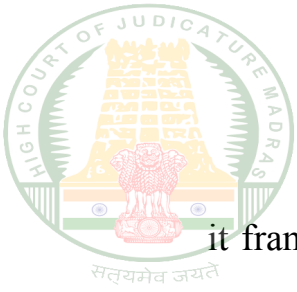
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all relevant and who are the persons closely connected with the accused and who are not supporting the case of the prosecution. Therefore, the investigation in this case is flawed. Those persons who are inimically disposed of towards the petitioner have given their version, as if something is wrong with the petitioner, which is factually erroneous. On the other hand, when the charge sheet is filed, based on the allegation that when the petitioner went to the matrimonial home, she was driven out and was also strangled, the witness to the strangulation were not examined. Therefore, the entire final report that is filed cannot stand. Even the particulars with reference to the strangulation is not even mentioned in the final report and therefore the learned counsel prays that this court may interfere in the matter and set aside the final report.

4. I have considered the said submissions and also the submissions made by the Government Advocate criminal side and perused the material records of the case.

5. With reference to the contents of the charge sheet is concerned, it is now well settled that it is only a summary to the best of ability of the investigating officer and the court below is not bound by the same when



it frames the charges. That way, eventhough the details of strangulation is not properly mentioned in the final report that is filed, when L.W1 has spoken about the same and when the final report also charges the accused under Section 307 of the Indian penal code, the Trial court will consider the averments that are made with reference to the strangulation and incorporate the same while framing the charges.

6. As far as, the other contention is concerned in a matrimonial case, the Police is expected to examine the witnesses of both sides obviously some of the witnesses who are the relatives of the accused may not exactly support the version of the prosecutrix. That by itself will not justify the prosecution from burking those evidence. A fair prosecution will place all the materials on record before the trial court. The learned counsel submits that there were two other witnesses to the strangulation who were not examined. On a perusal of the complaint, the said names were not mentioned in the complaint not even in the 161 statement, those names are mentioned.

7. In view thereof, leaving it open to the other remedies available to the petitioner during the course of the trial, I am not in a position to



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conclude that the final report that is filed is partisan or without proper investigation. It will be open for the petitioner to get into the box and make all the allegations in detail which will be appropriately considered by the trial court.

8. With the above observation, the Criminal Original petition stands disposed of. Consequently, connected miscellaneous petition is closed.

05.08.2025

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NCC : Yes / No
Speaking Order : Yes / No
Index : Yes / No

To

1. The Inspector of Police,
Mappedu Police Station,
Tiruvallur District – 602 002

2. The Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court), Tiruvallur



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D.BHARATHA CHAKRAVARTHY.J.,

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