



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-04-2026

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 9512 of 2026

Syed Ameenullah Hussainy

Petitioner(s)

Vs

1. The Commissioner of Police,
Greater Chennai City Police, Chennai.

2. The State Rep by,
The Inspector of Police,
W-13, All Womens Police Station,
Chennai 600 021.

3. Mahek Salamullah

Respondent(s)

PRAYER: Criminal Original Petition filed under Section 528 of BNSS, 2023, to transfer the investigation in Cr.No.41 of 2025 pending on the file of the 2nd Respondent to any other investigating agency as this Court deem fit and proper to the facts and circumstances of the case and thereby render justice.

For Petitioner(s): Mr.M.Mohammed Riyaz
for Mr.M.Mohamed Afridi

For Respondent(s): Mr.R.Vinoth Raja
Government Advocate (Crl.Side)
for R1 and R2
Mr.R.Rafi Babu
for R3

**ORDER**

This Criminal Original Petition has been filed, seeking transfer of investigation in Crime No.41 of 2025 pending on the file of the 2nd Respondent to any other investigating agency as this Court may deem fit.

2. The petitioner, who is arrayed as the first accused in Crime No.41 of 2025 for offence under Sections 85, 89, 351, 316 of BNS, 2023, and Sections 4 and 6 of Dowry Prohibition Act, 1961, has filed the present petition.

3. The learned counsel for the petitioner submitted that the marriage between the petitioner and the de facto complainant was solemnized on 19.01.2024 and they lived a normal and peaceful matrimonial life without any dispute. Due to the delay in conception, both of them jointly consulted doctors at Bangalore and Hosur, in the month of May 2025, wherein the de facto complainant was diagnosed with thyroid imbalance, hormonal irregularities and allergic conditions which were pre-existing prior to marriage. She was prescribed medicines including Glycomate 500 mg, Metformin, Folic acid and Deviry 10 mag.

3.1 It is further submitted that after prolonged medical treatment, the de



facto complainant conceived and the pregnancy was confirmed on 22.08.2025 at SBS Hospital, Hosur. However, due to pre-existing condition such as urinary tract infection and bleeding, she suffered natural miscarriage on 27.08.2025, and she left the matrimonial home citing emotional reasons.

3.2. At the time of leaving the matrimonial home on 28.08.2025, the de facto complainant took with her all jewellery. Initially there was communication, however, subsequently, she avoided contact, blocked communication, and failed to return to the matrimonial home, causing emotional distress and hardship to the petitioner. In an attempt to resolve the matrimonial dispute and seek reunion, the petitioner had lodged a complaint before the All-women Police Station, Hosur on 14.10.2025 and the enquiry was conducted by the Tamil Nadu Dowry Prohibition wing on 06.11.2025, based on the complaint of the de facto complainant. Thereafter, the present FIR in Crime No.41 of 2025, dated 05.11.2025 came to be registered by the 2nd respondent/Police based on the allegations, which according to the petitioner, are false and fabricated.

4. The main contention of the petitioner is that though the dispute is



matrimonial in nature and the case has been registered invoking provisions under Section 498A of IPC, no preliminary enquiry has been conducted.

Further, the petitioner was not called for any clarification, contrary to the guidelines laid down by the Apex Court in respect of such cases.

5. The learned counsel for the petitioner submitted that apart from the general allegations of dowry demand, the primary allegation is that after confirmation of pregnancy on 22.08.2025, the petitioner forcibly administered Met Formin 1000 mg tablet twice a day, allegedly resulting in a forced abortion, leading to registration of the case.

6. The learned counsel for the petitioner has produced a typed set of papers including the details of UPI transactions between the petitioner and the de facto complainant, medical reports, prescription and medical bills and representation of the petitioner before the LIMRA Masjid, seeking restitution of matrimonial life, along with the reply of Masjid, dated 16.11.2025.

7. It is also submitted that the petitioner earlier lodged a complaint on 14.10.2025, registered as C.S.R.No.406 of 2025, to which, the de facto complainant had submitted her reply, which would clearly shows that there is no



harassment or dowry demand. Hence, he prays for appropriate orders from this Court.

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8. Mr.R.Vinoth Raja, learned Government Advocate for the respondents 1 and 2 submitted that the contentions raised by the petitioner are in his defence. It is further submitted that the typed set of papers including documents now produced will be taken into consideration during investigation, and appropriate action will be taken based on the outcome of the investigation.

9. At this juncture, the learned counsel for the 3rd respondent submitted that the allegations of the petitioner are false and the documents produced, more particularly, the medical records are disputed. Further, he submitted that the objections will be placed before the respondent police, and the same may be considered in accordance with law.

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

11. Considering the submission made by the learned counsel on either



side and upon perusal of the materials available on record, this Court is of the view that no case is made out for transfer of investigation at this stage.

However, the respondent police is directed to complete the investigation in Crime No.41 of 2025 on the file of the 2nd respondent police expeditiously without further delay. The Assistant Commissioner of Police, Old Washermenpet, shall monitor the investigation to ensure the fairness and progress.

12. With the above observation and direction, this Criminal Original Petition is disposed of.

16-04-2026

Jd

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Commissioner of Police,
Greater Chennai City Police, Chennai.

2. The State Rep by,
The Inspector of Police,
W-13, All Womens Police Station,
Chennai 600 021.

3. The Public Prosecutor,
Madras High Court, Chennai.



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M.NIRMAL KUMAR J.
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