

Santhiya vs State Rep. By on 18 September, 2024

Author: M.Nirmal Kumar

Bench: M.Nirmal Kumar

Crl.OP

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2024

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.OP.No.22758 of 2024

Santhiya

Vs.

- 1.State rep. by
Superintendent of Police,
Tiruppur District.
2. Inspector of Police
Amaravathi Police Station,
Tiruppur District.
- 3.The Superintendent of Police,
CB CID, Coimbatore Unit
Coimbatore
Coimbatore District.

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS withdraw the case file in Crime No.87 of 2024 from the file of 2nd Respondent and transfer the same to the 3rd respondent agency for fair investigation in Crime No.87 of 2024.

For Petitioners : Mr.N.Ponraj

For Respondents : Mr.S.Udaya Kumar,
Govt. Advocate(Crl. Side)

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ORDER

The petitioner/ defacto complainant has filed this petition seeking to transfer of Crime No.87 of 2024 from the file of the 2nd respondent to the 3rd respondent herein.

2. The contention of the petitioner is that the petitioner married one Aravindh Kumar on 21.02.2024. The marriage expenses were equally shared by both families. Within two days of marriage, the petitioner's husband and mother-in-law started scolding her and demanded a sum of Rs.8,00,000/- towards the marriage expenses. On 29.02.2024, when the petitioner called her husband, he disconnected the call, stating that he would not continue to talk with her unless Rs.8,00,000/- was paid. Thereafter, mediation steps within the family members taken and the petitioner's father handed over a sum of Rs.4,00,000/- to her husband. On 19.04.2024, she was informed that she would not be allowed to enter the matrimonial home unless the balance of Rs.4,00,000/- was paid. Thereafter, on 08.06.2024, the petitioner was manhandled by her husband and mother-in-law, due to which she sustained injuries. For treatment, she was admitted to the Government Hospital, Udumalpet, where the 2nd respondent police came and recorded a complaint. Initially, CSR was issued and thereafter FIR has been registered. <https://www.mhc.tn.gov.in/judis>

3. The primary grievance of the petitioner is that in the preview FIR shown to her, it was stated that 'she was often beaten and there was an attempt to murder her.' However, when the FIR was later uploaded and served to the petitioner, it was found that these words were missing, which facilitated the estranged husband and mother-in-law to get anticipatory bail. On 03.07.2024, the petitioner complained about the above incident to the 1st respondent. However, no action taken, stating that the accused had obtained anticipatory bail. Aggrieved by the same, on 11.07.2024, the petitioner sent a representation to the 1st respondent to transfer the investigation to the 3rd respondent, but no action was taken. Hence, the above petition has been filed.

4. The learned Government Advocate (Crl. Side) submitted that in this case, the investigation has been completed and the charge sheet has been filed on 12.09.2024 before Judicial Magistrate-I, Udumalpet, with e-filing No.TN2022000/12/3/2024/00085.

5. Considering the submissions and perusing the records, it is seen that the petitioner had annexed a copy of the FIR in Crime No.87 of 2024 in page 15 of the typed set and today produced a copy of the preview FIR dated <https://www.mhc.tn.gov.in/judis> 20.06.2024. On perusal of the same, it is found that there are some variations between the preview FIR produced today and the FIR which has been annexed in the typed set. Both FIRs pertain to the same Crime No.87 of 2024. Be that as it may. In this case, since the investigation has been completed and the charge sheet has been filed, the petitioner can very well file a protest petition regarding the manner in which the investigation was conducted and seek relief before the concerned Judicial Magistrate. In view of the same, there is no requirement to transfer the investigation from the 2nd respondent to the 3rd respondent.

5 Accordingly, the above Crl.O.P.No.22758 of 2024 stands dismissed.

18.09.2024 Index : Yes/No Internet: Yes/No Speaking order/Non-Speaking order Neutral Citation : Yes/No (shr) <https://www.mhc.tn.gov.in/judis> To

- 1.The Superintendent of Police, Tiruppur District.
2. The Inspector of Police Amaravathi Police Station, Tiruppur District.
- 3.The Superintendent of Police, CB CID, Coimbatore Unit Coimbatore Coimbatore District.
- 3.The Public Prosecutor, High Court of Madras, Chennai.

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