

# THE HINDU

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## Court restrains police from probing dowry charges

Special Correspondent

*Should be referred to Dowry Prohibition Officers*

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- Dowry Prohibition Officers are duty-bound to accept complaints and investigate them
  - Police officers can take action in case of punishment for cruelty by the husband
  - "Dowry complaint has to be properly inquired into by the competent government machinery"
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CHENNAI: The First Bench of the Madras High Court has restrained the Greater Chennai police from receiving and investigating dowry harassment complaints without referring them to Dowry Prohibition Officers.

The Bench, comprising Chief Justice Markandey Katju and Justice A. Kulasekaran, gave the interim injunction restraining the City Police Commissioner and his subordinates on a public interest litigation petition filed by advocate S.V. Ramamurthy on Wednesday.

The petitioner said the Government framed the Tamil Nadu Dowry Prohibition Rules, 2004, and consequently appointed Dowry Prohibition Officers.

The District Social Welfare Officers who have been designated as Dowry Prohibition Officers are duty-bound to accept complaints and investigate them.

Stating that the role of the police officer came only when the case was referred to court for prosecution, Mr. Ramamurthy said the Home and the Social Welfare Departments were not implementing the law. .

### Referring the complaint

Police officers can take action in case of punishment for cruelty by the husband or relatives of the husband as it is likely to drive the woman to commit suicide or cause grave injury, the petitioner said, adding, "if a complaint to police relates to dowry then the police must refer the portion of the complaint to the Dowry Prohibition Officer who is to receive complaints, investigate and lay charge sheet in court."

The Tamil Nadu Dowry Prohibition Rules provide for the designated officials to mediate or conciliate with a view to restore harmony between the couple and their families, the petitioner said.

"On the other hand, the nature of duty of the police is quite different as they will investigate, take statements and launch prosecution to get conviction."

### No authority

Narrating his own experience, after being accused of harassing his daughter-in-law, the petitioner said the City Commissioner of Police had no authority under the provisions of the Act to receive any complaint regarding dowry.

The Inspector of Police who investigated the matter had no power to probe any offence regarding the alleged dowry demand, he said.

He said many persons were placed in a similar situation, and added, "the dowry complaint has to be properly inquired into by the competent government machinery and not by an

officer of the police department at the initial stage ... Otherwise, the purpose of enactment of the Act will become infructuous."

He prayed for a direction to the Home and Social Welfare secretaries to engage the services of the Dowry Prohibition Officer without the interference of police officials and sought an interim injunction restraining the Commissioner and his subordinates from receiving and investigating dowry harassment complaints.

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