

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2015

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.26613 of 2015

D.Vijayalakshmi

... Petitioner

Vs

1.The Superintendent of Police,
Villupuram District, Villupuram.

2.The Inspector of Police,
Nallan Pillai Petral Police Station,
Seppettai, Gingee Taluk,
Villupuram District.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the respondents 1 & 2 to take the complaint of the petitioner dated 10.08.2015 on record and register a case of bigamy against the Rajesh and proceed against him in accordance with law.

For Petitioner : Mr.C.Kathiresan

For Respondents : Mr.C.Emalias,
Additional Public Prosecutor.

ORDER

The present criminal original petition has been filed seeking a direction to the respondents Police to register a case on the basis of the complaint given by the petitioner dated 10.08.2015 and investigate the same in accordance with law.

2. In the petition, it has been stated that the marriage between the petitioner and one Rajesh was solemnized on 23.05.2013 as per Hindu Customs and Rites at Sri Sakunthala Mahal Thirumana Mandapam, Keezh Pennathur, Tiruvannamalai. According to the petitioner, at the time of marriage, the petitioner's father gave 25 sovereigns of gold ornaments, a two wheeler bearing Registration No.TN 11-8993, a cot, a bureau and other household articles. Since her husband and in-laws started

to harass the petitioner for demanding dowry, she is now living separately. It is the allegation of the petitioner that the said Rajesh had kidnapped a college girl viz., Chitra, aged about 21 years and married her illegally. The petitioner has also given a complaint to the 2nd respondent, in this regard, on the allegation of bigamy and also requesting them to secure all the household articles and 25 sovereigns of gold and handover them to her father. Though the said complaint was lodged on 10.08.2015, till date no action was taken. Hence, the petitioner has filed the present criminal original petition.

3. Today, when the matter was taken up for consideration, the learned Additional Public Prosecutor submitted that the FIR has been registered against the petitioner's husband, on the basis of the complaint given by the father of the said Chitra on the allegation of kidnapping. So far as the present complaint is concerned, the petitioner has to file private complaint, since it is only a non cognizable offence and thus, he opposed to allow this petition.

4. Considering the submissions made on either side, this Court is constrained to pass the following order:

Though the complaint was lodged on the allegation of bigamy, this Court cannot give a direction to the respondent police to register a case, since it is non cognizable offence. Hence, this petition is closed. However, the petitioner is at liberty to work out his remedy by way of a private complaint. So far as, the return of the articles is concerned, the respondents are directed to conduct enquiry on the complaint given by the petitioner dated 10.08.2015 and dispose of the same in accordance with law, as early as possible.

सत्यमेव जयते

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

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To

1.The Superintendent of Police,
Villupuram District, Villupuram.

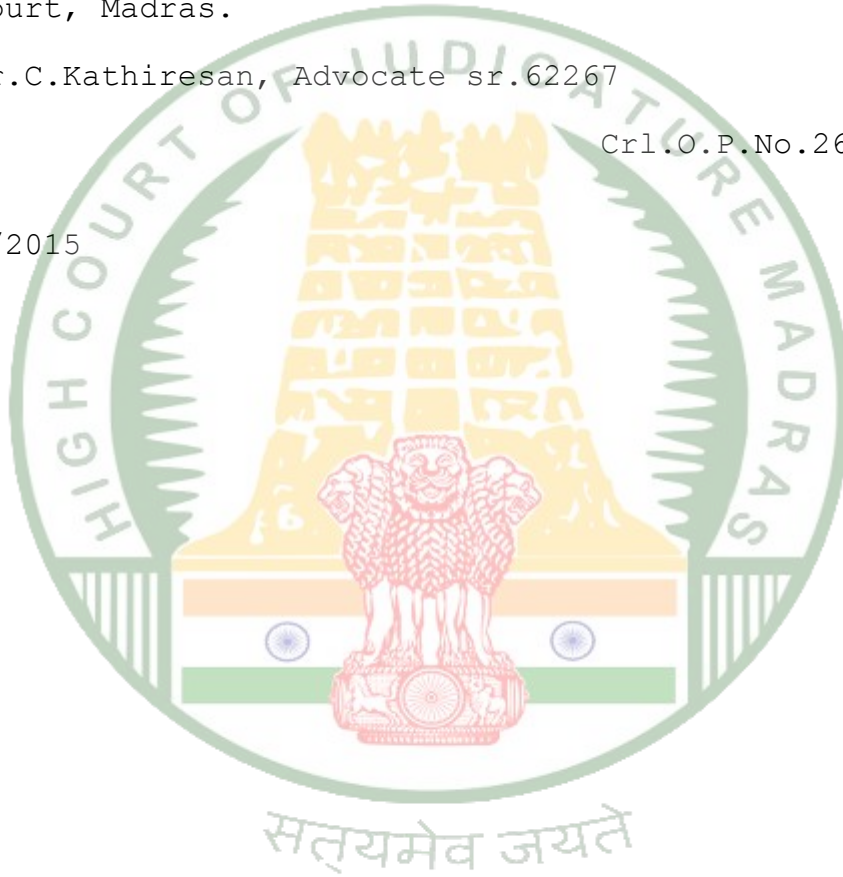
2.The Inspector of Police,
Nallan Pillai Petran Police Station,
Seppettai, Gingee Taluk,
Villupuram District.

3.The Public Prosecutor,
High Court, Madras.

+2cc to Mr.C.Kathiresan, Advocate sr.62267

Crl.O.P.No.26613 of 2015

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srg 08/12/2015



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