

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.28100 of 2015

BHUVANESWARAN

... Petitioner/Complainant.

Vs

1. THE SUPERINTENDENT OF POLICE
HOSUR TALUK
KRISHNAGIRI DISTRICT.

2 THE INSPECTOR OF POLICE
HUDCO POLICE STATION HOSUR
KRISHNAGIRI DISTRICT.

... Respondent/Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. seeking to direct the respondent to register a case based on the complaint lodged by the petitioner dated 26.10.2015 against the named person in the complaint and pass such further orders.

For Petitioner : Mr.V.Sakkarapani
For Respondent : Mr.C.Emalias,
Additional Public Prosecutor.

O R D E R

The present petition has been filed to direct the respondent to register a case based on the complaint lodged by the petitioner dated 26.10.2015 against the named person in the complaint.

2. The petitioner lodged a complaint as against his wife. It is the case of the petitioner that on 02.06.2004, he got married to one D.Poovizhi Selvi and out of wedlock, they were blessed with a female child. On 08.04.2012, the said Poovizhi Selvi left the petitioner's house with 50 sovereigns of gold and Rs.2,50,000/- leaving the petitioner and his daughter. Immediately, the petitioner lodged a complaint before the respondent police and case was registered in Cr.No.641 of 2013 for the offence under Section ' Women Missing'. Subsequently, the petitioner came to know that Poovizhi Selvi got illegally

married to one G. Gopi at Odugathur in Ananda Thirumana Mandabam and their wedding reception was conducted on 14.2.2015. It is the case of the petitioner that when the earlier marriage was in existence, his wife Poovizhi Selvi married another man. Moreover, one Mr.Gubendran, who is the relative of the said Gopi is making threatening phone calls. Hence, he lodged a complaint with respondent police. Since no action was taken by the respondent till date, the petitioner came forward to file this petition.

3. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent.

4. The learned Additional Public Prosecutor submitted that allegation made by the petitioner would not constitute cognizable offence. Thus, prays for dismissal of the petition.

5. After considering the rival submissions and the allegations made in the complaint, this Court is of the opinion that absolutely, no cognizable offence is made out. Hence, this Court is not inclined to direct the respondent police to enquire into the matter. In the result, the criminal original petition is dismissed. However, liberty is granted to the petitioner to work out his remedy in the manner known to law.

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s/d-
Assistant Registrar(CS-VII)

True Copy

Sub-Assistant Registrar

To

1. THE SUPERINTENDENT OF POLICE HOSUR TALUK
KRISHNAGIRI DISTRICT.
- 2 THE INSPECTOR OF POLICE
HUDCO POLICE STATION HOSUR KRISHNAGIRI
DISTRICT.
3. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.V.Sakkarapani, Advocate SR 63881

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