

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2015

CORAM:

THE HON'BLE Mr.JUSTICE R.SUBBIAH

Cr1.O.P.No.28342 of 2015

R.Sangeetha

... Petitioner

Vs.

1. The Inspector of Police,
T4, Maduravoyal Police Station,
Chennai.

2. S.Gopal

3. S.Murugesan

... Respondents

Prayer :

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the respondent to investigate upon filing a FIR for the complaint dated 26.10.2015 to take appropriate action against second and third respondent herein.

For Petitioner : Mr.R.Rajeshkumar

For Respondents: Mr.C.Emalias

Additional Public Prosecutor

ORDER

This petition has been filed seeking a direction to the first respondent to register a First Information Report on the complaint given by the petitioner dated 26.10.2015.

2. The petitioner herein lodged a complaint against her husband and his brother stating that already a divorce petition was pending between herself and her husband and in the circumstances, the brother of the petitioner's husband had assaulted her and threatened with dire consequences. It is further alleged in her complaint that her husband had abused herself and his sister scolded her in a filthy language and also threatened them with dire consequences.

3. Learned counsel for the petitioner submitted that the 2nd and 3rd respondents are husband and brother-in-law of the

complainant respectively and the petitioner gave complaint against the 2nd and 3rd respondents alleging assault and threatening before the 1st respondent on 26.10.2015, but till date, no action has been taken by the 1st respondent. Hence the petitioner has come forward with this petition.

4. Learned Additional Public Prosecutor submitted that already there was a dispute between the petitioner and second respondent who is her husband and a divorce petition is also pending between the parties. He further submitted that it is a matrimonial matter and only in order to give criminal colour, the complaint has been lodged with the allegation of being threatened and thus opposed to grant direction.

5. Learned counsel for the petitioner denies the same by stating that on 25.12.2015, when the petitioner went to 2nd respondent's house to collect her belongings, she was assaulted by the 2nd and 3rd respondents. Hence complaint has been lodged, but till date no action was initiated.

6. I have heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor.

7. In view of the submissions made by the learned Additional Public Prosecutor, this Court directs the petitioner to give a fresh complaint to the first respondent along with a copy of this order within a period of one week from the date of receipt of a copy of this order and on receipt of the same, the first respondent is directed to conduct enquiry on the same and dispose of the same in accordance with law, as early as possible.

8. With the above direction, the Criminal Original Petition is disposed of.
srn/msr

s/d-

Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Inspector of Police,
T4, Maduravoyal Police Station, Chennai.

2. The Public Prosecutor High Court, Madras.

+ 1 cc to Mr.R.Rajeshkumar, Advocate SR 64292

msm(co)
prk16/12

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