

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.28378 of 2015

Kalaiselvi

... Petitioner

Vs

1. The Superintendent of Police,
Cuddalore District.
2. The Inspector of Police,
Pennadam Police Station,
Cuddalore District

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the 2nd respondent to register the F.I.R., based on the petitioner's complaint dated 18.10.2015 and investigate the same in accordance with law.

For Petitioner : Mr.M.Velmurugan
For Respondent : Mr.C. Emalias
Addl. Public Prosecutor.

O R D E R

The present criminal original petition has been filed seeking a direction to the 2nd respondent to register the F.I.R., based on the petitioner's complaint dated 18.10.2015 and investigate the same in accordance with law.

2.In the petition, it has been stated that on 18.10.2015, on account of property dispute between her husband and one D.Ashokan and Dhanavel, who are the sons of her husband's brother, the said persons trespassed into the petitioner's house when her husband was not in the house and assaulted her all over the body with hands and abused her in filthy language and also threatened her with dire consequences. Hence the petitioner has given a complaint before the respondent on 18.10.2015 against the above persons, but till now, the respondents have failed to take any action .

3. Learned counsel for petitioner submitted that though the complaint was lodged on 18.10.2015, till date, the respondent police has not registered any case on her complaint. Hence, the present criminal original petition has been filed.

4. Learned Additional Public Prosecutor submitted that the matter appears to be a dispute with regard to property and only in order to give a criminal colour, the allegation of being threatened was purposely introduced in the complaint. Hence he opposed for granting direction.

5. I have heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent.

6. However, learned counsel for petitioner denied the same and submitted that the petitioner was threatened and abused by the above said persons.

7. In view of the submissions made by the learned Additional Public Prosecutor, this Court directs the 2nd respondent to conduct enquiry on the complaint of the petitioner dated 18.10.2015, with regard to the allegation of being threatened and upon enquiry, if materials are gathered indicating any cognizable offence, the 2nd respondent shall proceed further in accordance with law as early as possible. If no prima facie case is made out for investigation, the respondent is directed to pass appropriate order on the complaint.

8. This criminal original petition is disposed of accordingly.
msr

s/d-
Assistant Registrar(CS-V)

True Copy

Sub-Assistant Registrar

To

1. The Superintendent of Police, Cuddalore District.
2. The Inspector of Police,
Pennadam Police Station, Cuddalore District.
3. The Public Prosecutor, High Court, Madras.

+ 1 cc to Mr.M.Velmurugan, Advocate SR 64744

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