

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

CrI.O.P.No.28836 of 2015

S.Veluthai

... Petitioner

Vs

1.The Superintendent of Police,
Nilgiris District.

2.The Sub-Inspector of Police,
All Women Police Station,
Gudalur,
Nilgiris District.

.... Respondents

Criminal Original Petition filed under Section 482
Cr.P.C. to direct the respondents to register a case based on
the complaint of the petitioner dated 05.11.2015.

For Petitioner : Mr.N.Bala Muralikrishnan

For respondents :Mr.C.Emalias,
Addl. Public Prosecutor.

ORDER

The present criminal original petition has been filed
seeking a direction to the respondents to register a case based
on the complaint of the petitioner dated 5.11.2015.

2. In the petition, it is averred that the petitioner
is the wife of one Muthiah and they have two children. The
petitioner came to know that her husband was having an illegal
relationship with a married lady at Gudalur. When the
petitioner visited Gudalur to verify the same, she came to know
that her husband was having love affair with the said lady even
prior to their marriage. While so, during the first week of

October 2010, she received a phone call from her uncle asking her to come to Gudalur at the earliest with Rs.10,000/- so that, the illegal relationship between the petitioner's husband with the said lady would be put an end. On her sudden visit to Gudalur, she noticed that both her husband and the said lady were residing together in a same house. Hence, the petitioner lodged a complaint with the second respondent police. On receipt of the said complaint, the second respondent called her husband to the police station and directed him to settle the dispute amicably. Thereafter, in the presence of an advocate viz., P.R.Chandramogan, the petitioner was directed to affix her left thumb impression in few papers, the content of which was not disclosed to her. Thereafter, copies of the said documents were furnished to the petitioner informing her that the marriage between the petitioner and her husband had got dissolved. After coming to Tirunelveli, she came to know about the contents of the document signed by her. Immediately, she made a detailed complaint to the first respondent police on 5.11.2015. But, till date, no action was taken on the said complaint. Hence, the present petition.

3. Learned Additional Public Prosecutor has submitted that the complaint given by the petitioner is only to find out what was written in the document by the Advocate. The said request will not fall within the ambit of the respondent police and she has to work out her remedy before the appropriate civil Court. Thus, he sought for dismissal of the petition.

4. Considering the facts and circumstances of the case and considering the submission made by the learned counsel on either side, I am of the opinion that the allegation made in the complaint will not fall within the ambit of the respondent police to conduct enquiry. Hence, I am not inclined to grant a direction to the respondent police to register the case and the criminal original petition is dismissed. However, the petitioner is at liberty to work out her remedy in a manner known to law.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

To

1.The Superintendent of Police,
Nilgiris District.

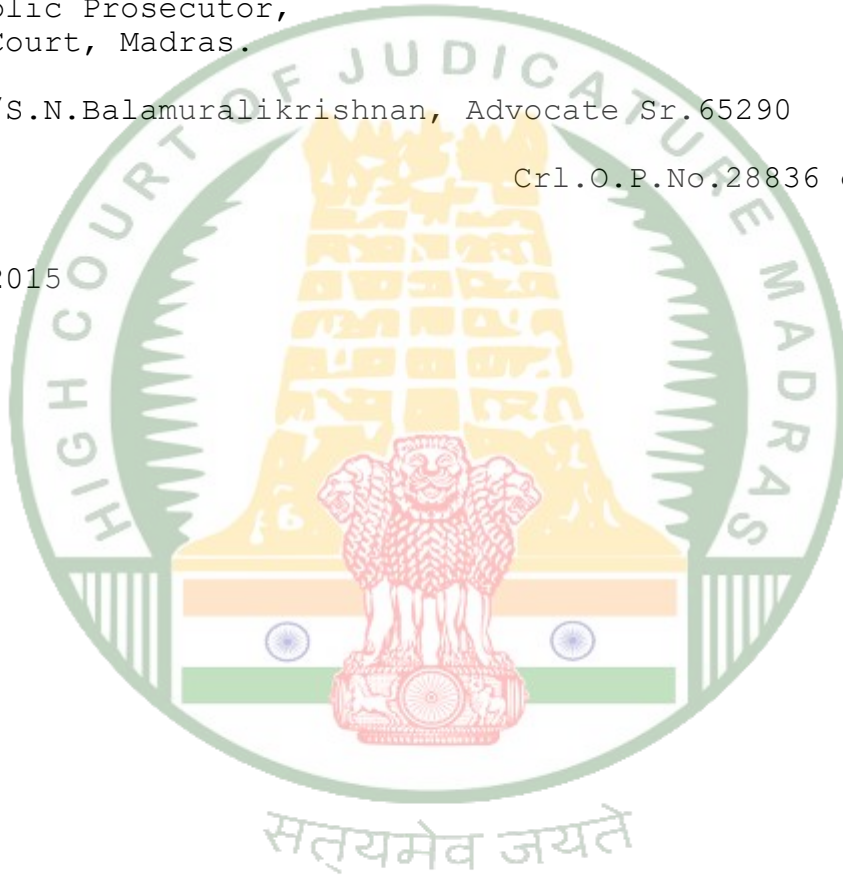
2.The Sub-Inspector of Police,
All Women Police Station,
Gudalur,
Nilgiris District.

3. The Public Prosecutor,
High Court, Madras.

+1cc to M/S.N.Balamuralikrishnan, Advocate Sr.65290

Cr1.O.P.No.28836 of 2015

vs[co]
srg 9/12/2015



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