



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.10.2015

CORAM

THE HONOURABLE MRS.JUSTICE S.VIMALA

WEB COPY

Cr1.O.P. (MD) No.18977 of 2015

P. MARIYAMMAL

.. Petitioner

Vs.

1. THE SUPERINTENDENT OF POLICE,
DINDUGUL DISTRICT, DINDUGUL.

2. THE INSPECTOR OF POLICE,
AMMAYANAICKANUR POLICE STATION,
DINDUGUL DISTRICT.

.. Respondents

Petition filed under Section 482 of Code of Criminal Procedure to direct the respondents to register a case on the complaint dated 08.09.2015 lodged by the Petitioner.

For Petitioner : Mr.A.Chandra Kumar

For Respondents : Mr.P.Kandasamy

Government Advocate (Cr1.Side)

ORDER

This petition has been filed seeking a direction to the respondent to register a case on the complaint dated 08.09.2015 lodged by the Petitioner.

2.It is the case of the defacto complainant that due to family dispute, the proposed accused had beaten the petitioner's husband and scolded him by using filthy language. Hence, the present complaint.

3.According to the learned Government Advocate (Cr1.Side), petition enquiry is pending.

4.As per the judgment of the Hon'ble Supreme Court in **Lalita Kumari vs. Govt. of U.P. & others [2013 (4) Crimes 243 (SC)]**, the respondent concerned may conduct a preliminary enquiry which shall not extend beyond a period of seven days from the date of receipt of a copy of this order. In conducting the preliminary enquiry, they shall put the concerned parties upon notice and follow the dictum laid down in **D.K.Basu Vs. State of West Bengal reported in AIR (1997) SC 610**. At the end of the enquiry, if any cognizable offence is made out, the concerned respondent shall register a case. In the event of effecting closure of the case upon conducting a petition enquiry, intimation regarding closure shall be sent to the complainant. It is left open to the petitioner to approach the concerned Judicial Magistrate in accordance with law, if he is aggrieved.



5. The Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar(AE)

/True copy/

Sub Assistant Registrar

rg.15.10.2015/SK/SKN/

To

1. THE SUPERINTENDENT OF POLICE,
DINDUGUL DISTRICT, DINDUGUL.
2. THE INSPECTOR OF POLICE,
AMMAYANAICKANUR POLICE STATION,
DINDUGUL DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1cc to MR.A.Chandra Kumar, Advocate SR NO.58023

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rg.15.10.2015/SK/SKN/ 2P/5C.