



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Fifth day of March Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.23457 of 2014

WEB COPY

1 J.SAHABUDEEN

2 J.JANNATH BEGAM

... PETITIONERS/ACCUSED RANK NOT KNOWN

Vs

STATE REP BY THE INSPECTOR OF POLICE

NATHAM POLICE STATION, DINDIGUL DISTRICT.

CR.NO. NOT KNOWN OF 2014. ... RESPONDENT/COMPLAINANT

PARVEEN

... INTERVENOR

For Petitioner : M/S.N.RAHAMADULLAH Advocate

For Respondent : MR.A.P.BALASUBRAMANI Govt. Advocate (Crl. Side)

For Intervenor : MR.V.KANNAN Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

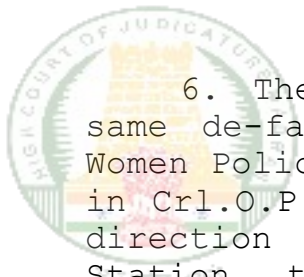
Apprehending arrest at the hands of the respondent police in Crime No.not known of 2015, on the file of the respondent police for offences under Sections 498(A) IPC, the petitioners are now before this Court seeking Anticipatory Bail.

2.This anticipatory bail application has been filed showing the crime number as not known. Initially, the matter was referred to the Mediation and Conciliation Centre and a failure report, dated 11.02.2015 was received from there.

3.Thereafter, when the matter came up for hearing on 16.02.2015, this Court granted interim anticipatory bail to the petitioners with a direction to the first petitioner to appear before the respondent police daily at 5.30 p.m.

4. The de-facto complainant has also entered appearance through her counsel Mr.V.Kannan by filing M.P.(MD) No. 1 of 2015.

5. The respondent police is present. The learned Government Advocate (Crl. Side), on instructions from the respondent police, submitted that the first petitioner is complying with the interim anticipatory bail granted by this Court, by appearing before the respondent police and that the respondent police have not registered a regular case.



6. The learned counsel for the petitioners submits that the same de-facto complainant has lodged a complaint before the All Women Police Station, Vadamadurai, and she has approached this Court in Crl.O.P.(MD) No.2664 of 2015 under Section 482 of Cr.P.C. for a direction to the All women Police Station, Vadamadurai Police Station, to register an FIR on her complaint dated 04.02.2015, whereas the complaint in this case is dated 24.11.2014 and the police have issued CSR No.325 of 2014. Therefore, it is obvious that while a complaint is already pending on the file of the Natham Police, the same de-facto complainant has approached the All Women Police Station, Vadamadurai, and has lodged a second complaint on the same set of facts.

7. The learned counsel for the intervenor submits that since the respondent police did not take any action on the complaint dated 24.11.2014, the de-facto complainant had no other option, but to file a second complaint before All Women Police Station, Vadamadurai. If that is so, the de-facto complainant should have disclosed the same either in her complaint dated 04.02.2015 before the All Women Police Station, Vadamadurai, or should have disclosed this fact in the petition in Crl.O.P.No.2664 of 2015.

8. On a perusal of the petition in Crl.O.P.(MD) No.2664 of 2015, the petitioner therein/de-facto complainant has stated in paragraph No.4 that she had lodged a complaint on 24.11.2014 before the Inspector of Police, Natham Police Station and she has also disclosed about the filing and pendency of this anticipatory bail application, namely, Crl.O.P.(MD) No.23457 of 2014. Therefore, the de-facto complainant cannot be accused of any suppression.

9. The learned Government Advocate (Crl. Side) submits that five Police stations in Dindigul District comes under All Women Police Station, Vadamadurai, including Natham Police Station. Therefore, this being a case for matrimonial offence, it should be investigated only by All Women Police Station, Vadamadurai.

10. Under such circumstances, the respondent police should close the case in petition enquiry in CSR No.325 of 2004 and report to this Court. The petitioners are given liberty to approach this Court by way of fresh anticipatory bail, if they apprehend arrest by the Inspector of Police, All Women Police Station, Vadamadurai, based on the complaint given by the de-facto complainant on 04.02.2015.

With the above observations, this petition is closed.

sd/-

05/03/2015

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1 THE INSPECTOR OF POLICE,
NATHAM POLICE STATION, DINDIGUL DISTRICT.

2 THE ADDL.PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.N.RAHAMADULLAH Advocate SR.No.10501

ORDER

IN

CRL OP(MD) No.23457 of 2014

Date :05/03/2015

AA/09.03.2015/3p- 4c/