

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2016

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P. No.11619 of 2016 and Crl.M.P. No.5920 of 2016

Sikkanthar

Petitioner

vs.

Rishwana

Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. seeking to set aside the order dated 15.04.2016 made in CMP No.2050 of 2016 in D.V.C. No.9/2016 on the file of the Judicial Magistrate, Kallakurichi.

For petitioner Mr. C. Munusamy

ORDER

This Criminal Original Petition is filed to set aside the order dated 15.04.2016 passed in C.M.P. No.2050 of 2016 in D.V.C. No.9/2016 on the file of the Judicial Magistrate, Kallakurichi.

2 For the sake of convenience, the parties will be referred to by their name.

3 Rishwana got married to Sikkanthar on 13.12.2009 and thereafter, their marriage ran into rough weather. Rishwana has launched a proceedings in D.V.C. No.9 of 2016 before the Judicial Magistrate, Kallakurichi claiming various reliefs against Sikkanthar under the Protection of Women from Domestic Violence Act (for short "the Act").

4 During the pendency of the said proceedings, Sikkanthar filed two petitions, viz., C.M.P. Nos.2050 and 2051 of 2016 contending that Rishwana and her father Basheer Ahmed had given several complaints against him to the Chief Minister's Cell, which were enquired into by the Inspector of Police, All Women Police Station, Kallakurichi and they were all closed. Therefore, he wanted the Court to issue summons under Section 91 Crl.P.C. to the Inspector of Police, All Women Police Station, Kallakurichi, to produce the complaints and the action taken thereon.

5 In the petitions filed by Sikkanthar in C.M.P. Nos.2050 and 2051 of 2016, he has not given any good reason for the Court to exercise its powers and therefore, the Trial Court rightly dismissed the C.M.P. No.2050 of 2016 on 15.04.2016, challenging which Sikkanthar is before this Court.

6 Mr. C. Munusamy, learned counsel for Sikkanthar submitted that on the complaints given by Rishwana and her father Basheer Ahmed, petition enquiry was conducted and the same was closed, as

the complaints given by them will go to disprove the allegations made in the proceedings initiated under the Act.

7 On the directions issued by this Court, the Inspector of Police, All Women Police Station, Kallakurichi, has sent a photocopy of the complaint dated 18.12.2011 given by Rishwana and the closure report dated 12.02.2016. Similarly, a photocopy of the complaint given by Basheer Ahmed to the Chief Minister's Cell and the closure report dated 12.02.2016 is also submitted. The photocopies of these documents are handed over to Mr. C. Munusamy, learned counsel for Sikkanthar across the Bar, so that Sikkanthar can make use of the same, in the manner known to law, without insisting upon the presence of the police officials to produce records or give evidence in the proceedings under the Act. If these documents are marked, it is needless to state that Rishwana must be given an opportunity to explain the same. Though they are photocopies, the Trial Court may mark them without insisting on the original, because, that will only further delay the trial process.

With the above direction and observation, this Criminal Original Petition stands ordered accordingly. Connected CrI.M.P. is closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

To

1 The Judicial Magistrate
Kallakurichi.

2 The Inspector of Police,
All Women Police station,
Kallakurichi.

+1 cc to Mr.C.Munusamy, Advocate, SR.35413

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CrI.O.P.No. 11619 of 2016