

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2016

Coram:

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Cr1.O.P.No.14631 of 2016

P.Kaliamoorthy

... Petitioner

Vs.

1. The Deputy Superintendent of Police,
office at G.S.T. Road,
Irumbliyur, Tambaram West,
Chennai - 600 045.

2. The Inspector of Police (Crime)
S-13, Chromepet Police Station,
Office at G.S.T. Road,
Chromepet, Chennai - 600 044.

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the respondents to register a case on the basis of the complaint dated 25.08.2015 of the petitioner and to proceed further in accordance with law.

For Petitioner : Mr.P.Ganesan

For Respondents: Mr.C. Emalias
Additional Public Prosecutor

ORDER

This criminal original petition has been filed seeking a direction to the respondents to register a case on the basis of the complaint dated 25.08.2015 of the petitioner and to proceed further in accordance with law.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents.

3. It is seen that this petitioner was assaulted by his wife in the year 2012 and ATM card was also snatched and some money was withdrawn. In this regard, this petitioner lodged a

complaint dated 31.12.2012 and on such complaint, petition enquiry was conducted in CSR No.228 of 2012. While so, this petitioner filed a Crl.OP.No.18842 of 2015 before this Court for a direction to the police to register a regular FIR in CSR No.228 of 2012, wherein, this Court passed the following order:

" 3. It is the case of the petitioner that he has estranged from his wife for the past 9 years; that his wife has assaulted him on 30.12.2012, in connection with which the petitioner gave a complaint dated 31.12.2012, in which, petition enquiry was conducted in CSR No.228 of 2012. Under such circumstances, no use purpose will be served by giving a direction to the police to register a case for an alleged incident that took place in the year 2012 relating to matrimonial matters.

Hence, this petition is closed with liberty to the petitioner to file a fresh complaint as and when there is aggression by his wife."

From the above, it is very clear that this Court had directed the petitioner to lodge a fresh complaint as and when there is aggression by his wife. While so, the petitioner has lodged a complaint dated 25.08.2015, wherein, it is stated as follows:

"With reference to the above subject of Forgery by using ICICI Credit card and purchase of jewellery case, I approached Hon'ble High Court, Chennai for directing the Inspector of Police, Chrompet to file FIR. Hon'ble High Court, Chennai vide criminal O.P.No.18842/2015 dt. 24.08.2015 directed the undersigned to file a fresh complaint for the above matter to the Inspector of Police, Chrompet, Chennai - 44 for investigation and file a FIR."

4. The petitioner fully misunderstood the order dated 24.08.2015 passed by this Court in Crl.OP.No.18442 of 2015. This Court had not given liberty to the petitioner to file a fresh complaint with regard to the incident, that had taken place in the year 2012. Therefore, no direction as prayed for by the petitioner can be granted. Hence, the criminal original petition is closed.

However, the learned Additional Public Prosecutor submitted that the petitioner had problem with his first wife Santhi and lodged a complaint, based on which, a case has been registered in Crime No.3133 of 2015 against the said Santhi.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

sms

To

1. The Deputy Superintendent of Police,
office at G.S.T. Road,
Irumbliyur, Tambaram West,
Chennai - 600 045.
2. The Inspector of Police (Crime)
S-13, Chromepet Police Station,
Office at G.S.T. Road,
Chromepet, Chennai - 600 044.
3. The Public Prosecutor
High Court, Madras.

+1cc to Mr.P.Ganesan, Advocate Sr.40308

kgk[co]
srg 11/08/2016

Cr1.O.P.No.14631 of 2016

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