

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2016

CORAM:

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

Crl.O.P. No.16052 of 2016

and

Crl.M.P. No.7841 of 2016

1	Leelesh Kumar		
2	Ashok Kumar		
3	Bhagwanti		
4	Neelam		
5	Rakesh Kumar	..	Petitioners

vs.

1	State represented by Inspector of Police W-10 All Women Police Station Flower Bazaar, Chennai		
2	Kavitha	..	Respondents

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code to call for the records in Crime No.1 of 2016 pending on the file of the first respondent and quash the same.

For petitioner	Mr.K.M. Aasim Shehzad
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For R1	Mr. C. Emalias Addl. Public Prosecutor
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ORDER

This Criminal Original Petition is filed seeking to call for the records in Crime No.1 of 2016 pending on the file of the first respondent and quash the same.

2. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the first respondent-State.

3. It is seen that Kavitha got married to Leelesh Kumar on 03.02.2014 in Jalore District, Rajasthan and thereafter, they were living in Vijayawada, Andhra Pradesh. Their marriage ran into rough weather. Hence, Kavitha returned to her parental home on 14.03.2015 in Sowcarpet, Chennai. When Leelesh Kumar filed O.P.No.700 of 2015 before the Family Court, Vijayawada, Kavitha lodged a complaint dated 30.10.2015, based on which a petition enquiry was conducted in CSR No.96 of 2015. Thereafter, Kavitha filed Crl.O.P.No.27757 of 2015 and on the directions of this Court, the respondent police registered a case in Cr.No.1 of 2016 on 25.01.2016 against Leelesh Kumar and four others for offences u/s 498-A, 406, 509 IPC and Section 4 of the Tamil Nadu Prohibition of Women Harassment Act, challenging which Leelesh Kumar and 4 others are before this Court.

4. Learned counsel for the petitioners submitted that the marriage had taken place in Rajasthan and the matrimonial life was at Vijayawada and no part of the cause of action had taken place in Chennai. He also submitted that the Sridhana articles were returned to the de facto complainant as could be seen from the report of the Protection Officer, District Social Welfare Office, Chennai and therefore, the prosecution requires to be quashed.

5. Admittedly, Leelesh Kumar has been released on anticipatory bail and there is no immediate threat of any arrest. Learned Additional Public Prosecutor submitted that preliminary investigation shows that the alleged offence, if any, had not taken place in Chennai and that the police are also contemplating of closing the case with advice to the de facto complainant to approach the concerned police station in Vijayawada.

6. Recording the same, this petition is closed with a direction to the respondent police to expeditiously complete the investigation in Cr.No.1 of 2016 and if it is found that no part of cause of action had arisen here or that the complaint is an abuse of process of law, it is needless to state that the police shall close the same. Consequently, connected miscellaneous petition is closed.

7. This Court is aware that in Crl.O.P.No.15721 of 2016 by an order dated 22.07.2016, this Court directed the respondent police to complete the investigation and file a final report as expeditiously as possible. This means that the police are required to complete the investigation in a phased manner and can either file a final report or closure report. If it is found that the cause of action does not lie within the jurisdiction of the respondent police, the case can be closed with advice to the defacto complainant to approach the concerned police station in Vijayawada.

01.08.2016

gms/cad/sms

P.N.PRAKASH, J.

gms/cad/sms

To

- 1 The Inspector of Police
W-10 All Women Police Station
Flower Bazaar, Chennai
- 2 The Public Prosecutor
High Court of Madras
Chennai 600 104

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