

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Crl.O.P.No.1672 of 2016

N.Subbiah

... Petitioner

Vs

1. The Commissioner of Police,
Police Commissioner Office,
Thiruppur.

2. The Inspector of Police,
Somanur Police Station,
Somanur,
Thiruppathur District.

... Respondents

Criminal Original Petition filed under Section 482
Cr.P.C. seeking a direction to the respondents to register the
complaint dated 02.12.2015 and take necessary action.

For Petitioner :Mr.Mohammed Nasrullah for
Mr.V.Jeyarani

For Respondents :Mr.C.Emalias,
Additional Public Prosecutor.

O R D E R

The present criminal original petition has been filed
seeking a direction to the respondents to register a case on
the basis of the complaint given by the petitioner dated
02.12.2015 and take necessary action.

2.The case of the petitioner is that he married one
Petchiammal, who is working as a Hospital Worker at Government
Primary Health Centre, Somanur, Tiruppur District, as his second
wife in the year 1986. At the time of marriage, she informed
that she is a widow and she has completed her 8th standard and
that she had joined at the above Government Primary Health
Centre on the basis that she is a widow. Believing her words,
the petitioner agreed to marry her and the marriage was
registered on 13.06.1986 before Basarath Registered Office. The
said Petchiammal underwent vasectomy operation and she has taken
her son Kandasamy as her legal heir and entered his name in her
service register. Therefore, she is trying to avoid the

petitioner in every matter. When the petitioner enquired Petchiammal, she has not given proper reply. Thereafter, the petitioner verified the marriage registration and he came to know that the marriage between her and the petitioner was subsequently cancelled by the said Petchiammal without the petitioner's consent. Hence, the petitioner lodged a complaint before the 2nd respondent-police. Since no action was taken so far, the petitioner has come forward with the present criminal original petition.

3.The learned Additional Public Prosecutor submitted that no cognizable offence is made out in the complaint of the petitioner dated 02.12.2015 and hence, no direction can be given to the respondents-police.

4.I have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

5.In view of the submissions made on either side and on perusal of the complaint given by the petitioner dated 02.12.2015, I find that no cognizable offence is made out warranting this Court to give a direction to the 2nd respondent-police to register a case based on the petitioner's complaint dated 02.12.2015. Hence, I am not inclined to give any direction to the 2nd respondent-police. Accordingly, this criminal original petition is dismissed. However, the petitioner is at liberty to work out his remedy in the manner known to law.
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s/d-

Assistant Registrar (CS-VI)

True Copy

Sub-Assistant Registrar

To

1. The Commissioner of Police,
Police Commissioner Office,
Thiruppur.
2. The Inspector of Police,
Somanur Police Station,
Somanur,
Thiruppathur District.
3. The Public Prosecutor,
High Court, Madras.

mp(co)
prk18/2

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