

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :28.01.2016

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

Crl.O.P.No.1701 of 2016

A.Helen Rubavathi

... Petitioner

Vs

The Inspector of Police,
All Women Police Station,
W7, Aminjikarai Police Station,
Chennai.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the respondents police herein to register the complaint of the petitioner herein dated 07.03.2015 in C.S.R.No.45/2015 as per law against the proposed accused persons.

For Petitioner : Mr.S.Venkatasubramaniyan
For Respondent : Mr.C.Emalias
Additional Public Prosecutor

O R D E R

The present criminal original petition has been filed seeking direction to the respondent to register a case on the basis of the complaint given by the petitioner dated 07.03.2015 in C.S.R.No.45 of 2015 as per law against the proposed accused persons.

2.The petitioner herein lodged a complaint on 07.03.2015 as against her husband Immanuvel alleging that the petitioner's husband demanded dowry by threatening the petitioner. Though the petitioner lodged a complaint on 07.03.2015 before the respondent police for the alleged offence punishable under Sections 498(A), 406, 294(b) and 506(i) IPC, since no action was taken so far, she has come forward with the present criminal original petition.

3.The learned Additional Public Prosecutor submitted that on receipt of the complaint of the petitioner, C.S.R.No.45 of 2015 has been assigned and the matter is pending for enquiry. Further, the learned Additional Public Prosecutor submitted that

at the relevant point of time, the petitioner's husband was in jail in connection with some other criminal case and therefore, the respondent-police is not in a position to enquire him and only now, he has come out on bail and that the respondent-police would conduct an enquiry based on the complaint given by the petitioner.

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

5.In view of the submissions made on either side, this Court directs the respondent-police to re-open the complaint given by the petitioner dated 07.03.2015 in C.S.R.No.45 of 2015 and to conduct an enquiry and upon enquiry, if materials are gathered indicating commission of any cognizable offence, the respondent-police is directed to proceed further in accordance with law, as early as possible. If no prima facie case has been made out, the respondent-police is at liberty to pass appropriate order on the complaint given by the petitioner.

6.This criminal original petition is disposed of accordingly.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The Inspector of Police,
All Women Police Station,
W7, Aminjikarai Police Station,
Chennai.

2.The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.1701 of 2015

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