

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.1718 of 2016

Anisha

... Petitioner

Vs

1. The Commissioner of Police,
Vepery, Chennai.

2. The Inspector fo Police,
W-1, All Women Police Station,
Thousand Lights,
Chennai.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the respondent herein to register a case on the basis of the complaint dated 12.01.2016 given by the petitioner and investigate the matter in accordance with law.

For Petitioner :Mr.K.Thenrajan

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 dated 12.01.2016 given by the petitioner and investigate the matter in accordance with law.

2.The case of the petitioner is that the marriage between the petitioner and one Emmanuel Vasantharaj was solemnized in the year 2007. The petitioner conceived in the year 2010. The petitioner was forced to abort the fetus against her wish by the said Emmanuel Vasantharaj in Kaveri Trust Hospital, Villivakkam, Chennai. The petitioner was also harassed by the said Emmanuel Vasantharaj. Moreover, the said Emmanuel Vasantharaj looted a sum of Rs.25 lakhs from the petitioner and thereby cheated her. Hence, the petitioner lodged a complaint on 24.10.2015 before the second respondent police. On receipt of the same, a case was registered in Crime No.4 of 2015 for the offences under Sections 420, 406, 294(b) and 506(i)

of IPC and the same is pending for investigation. Further, it is alleged that after spoiling the petitioner's life, the said Emmanuvel Vasantharaj again planned to marry one Rudh Deepa. Hence, the petitioner lodged another complaint on 12.01.2016 before the first respondent. 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 earlier the petitioner lodged a complaint on 24.10.2015 against her husband and others. On receipt of the same, a case was registered in Crime No.4 of 2015 for the offences punishable under Sections 420, 406, 294(b) and 506(i) IPC and the same is pending for investigation. Further, the learned Additional Public Prosecutor submitted that the present complaint dated 12.01.2016 does not constitute any cognizable offence and hence, he opposed to give any direction to the respondents.

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 12.01.2016, I find that no cognizable offence is made out in the complaint warranting this Court to give a direction to the respondents to register a case on the basis of the complaint given by the petitioner dated 12.01.2016. Hence, I am not inclined to give any direction to the respondents. Accordingly, this criminal original petition is dismissed. However, the petitioner is at liberty to work out her remedy in the manner known to law.

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-s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Commissioner of Police,
Vepery, Chennai.
2. The Inspector fo Police,
W-1, All Women Police Station,
Thousand Lights, Chennai.
3. The Public Prosecutor,
High Court, Madras.

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