

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.30569 of 2015

M.Kalaiselvi

... Petitioner

Vs

State rep. by The Inspector of Police,
Dhali Police Station,
Uddumalpet T.K.,
Thiruppur District.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the respondent police to register the complaint of the petitioner dated 30.05.2015 in accordance with law within the period that may be stipulated by this Court.

For Petitioner : Mr.I.Abrar MD Abdullah

For Respondent : Mr.C.Emalias
Additional Public Prosecutor

O R D E R

The present criminal original petition has been filed to direct to the respondent police to register the complaint of the petitioner dated 30.05.2015 in accordance with law within the period that may be stipulated by this Court.

2. The petitioner has stated that the petitioner got married to one Prabu on 22.10.2007 and they are having one female child aged about 6 years old. As the petitioner lived in a joint family, she contributed all her income to the benefit of her husband's family and few properties were purchased in the name of her father-in-law. While so, in the mid of the year 2014, due to some misunderstanding with her husband, the petitioner left the matrimonial home and never returned back. In the meantime, the petitioner came to know that the husband of the petitioner and her in-laws are planning to sell their ancestral property and to mortgage the remaining property to the

third parties. Therefore, the petitioner filed a suit for partition in O.S.No.10 of 2015 before the Additional District Court, Thirupur and in I.A.No.89 of 2015 status quo was ordered not to make any encumbrance in the schedule property. On 14.05.2015, when the petitioner visited the suit property, her in-laws scolded the petitioner and attempted to attack the petitioner and in the said incident, the petitioner sustained physical injury. Hence, the petitioner lodged a complaint against her husband before the respondent police. Further, on 30.05.2015, the petitioner came to know that some persons are cutting coconuts in the property. So she went to the property and when she attempted to enter the property, one Mr.Rasu and his friend one K.A.Senthilvel prevented her from entering the property and threatened her with dire consequences and they attempted to assault the petitioner. Immediately, the petitioner lodged another complaint on 30.05.2015 before the respondent police. But no action was taken on the said complaint till date. Hence, the petitioner has come forward with the present Criminal Original Petition.

3. I have heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondent.

4. The learned Additional Public Prosecutor submitted that civil dispute is pending between the petitioner and her in-laws family and thus opposed for granting any direction. The learned counsel for the petitioner denies the same and sought for direction.

5. In view of the submissions made on either side, this court directs the respondent to conduct enquiry on the complaint given by the petitioner dated 30.05.2015 on the allegation of threat and assault made by the counter petitioner and upon enquiry, if materials are gathered indicating commission of any cognizable offence, he is directed to proceed further in accordance with law.

6. This criminal original petition is disposed of accordingly.

vrc

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

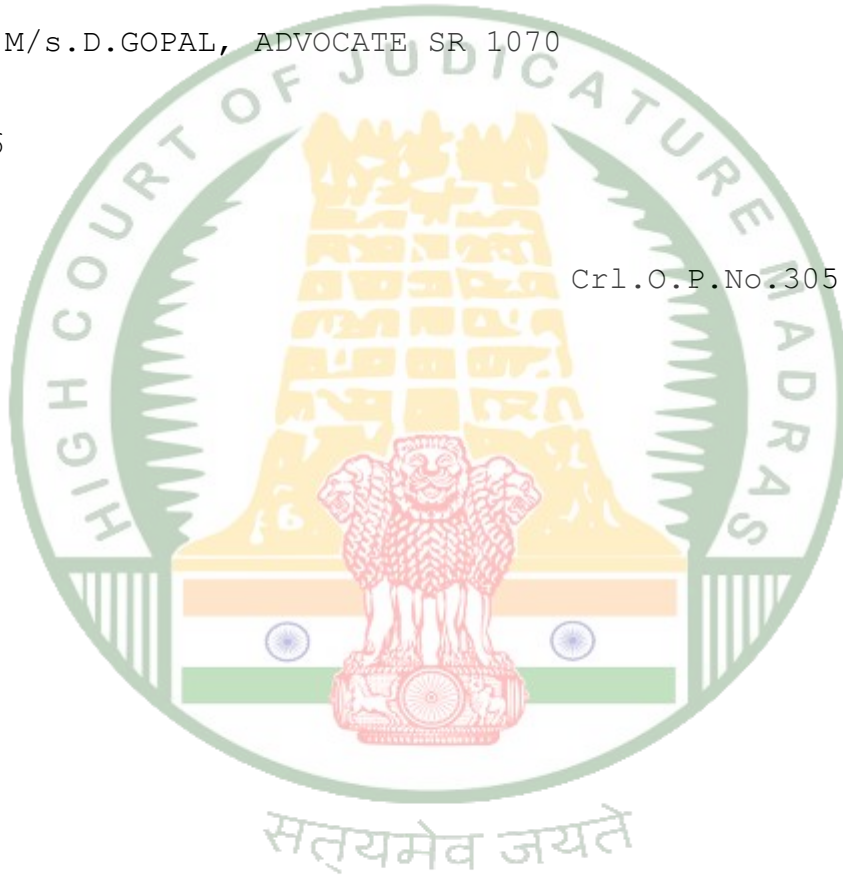
1. The Inspector of Police,
Dhali Police Station,
Uddumalpet T.K.,
Thiruppur District.

2. The Public Prosecutor,
High Court, Madras.

+ 1 cc to M/s.D.GOPAL, ADVOCATE SR 1070

RSY/CO
KR/22/1/16

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