

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.12.2016

CORAM

THE HONOURABLE MR.JUSTICE T.MATHIVANAN

CRL.O.P.No.17083 of 2010

and

M.P.No.1 of 2010

Shaffiyullah

... Petitioner

- Vs -

1. Chairperson,
Tamil Nadu State Commission
for Women, Chepauk,
Chennai-5.

2. Tmt.Samboornam

... Respondents

Prayer : Criminal Original Petition is filed under Section 482 Cr.P.C. to call for the records pertaining to the Case No.1361/WC/09 pending on the file of the Tamil Nadu State Commission For Women, Chepauk, Chennai-5 and quash the Complaint filed by the 2nd Respondent.

For Petitioner : Mr.Ravishankar Vallatharasu

For 1st Respondent : Mr.V.M.R.Rajendran,
Addl.Public Prosecutor

For 2nd Respondent : No Appearance

सत्यमेव जयते
O R D E R

Invoking the provisions of Section 482 Cr.P.C., this petition is filed by the petitioner to quash the complaint filed by the 2nd respondent before the 1st respondent State Commission for Women.

2. Heard Mr.Ravishankar Vallatharasu, learned counsel for the petitioner and Mr.V.M.R.Rajendran, learned Additional Public Prosecutor for the 1st respondent. 2nd respondent is not present today.

3. It is alleged that the 2nd respondent herein had preferred a complaint before the 1st respondent, Tamil Nadu State Commission for Women on 08.05.2009 alleging that the complainant had borrowed a sum of Rs.4,00,000/- from her and promised to return the same within six months and thereafter failed to return the money. This complaint was received by the 1st respondent, Tamil Nadu State Commission for Women and subsequently, summon was issued to the petitioner instructing him to appear before the Tamil Nadu State Commission for Women.

4. In this connection, learned Additional Public Prosecutor has submitted that despite several summons were issued, the petitioner was very reluctant in making his presence.

5. The learned counsel for the petitioner has raised a crucial question as to whether the Tamil Nadu State Commission for Women is having power to enquire the complaint which was presented by the 2nd respondent. He has also submitted that if at all the petitioner failed to re-pay the amount, the 2nd respondent could have filed a complaint before the concerned Police and based on this complaint, criminal action could have been initiated, or in the alternative the 2nd respondent could approach the civil court for filing a suit for recovery of money. However, the Tamil Nadu State Commission for Women does not have any power to examine or enquire on the complaint lodged by the 2nd respondent because the complaint is in respect of recovery of money. If the Tamil Nadu State Commission for Women is vested with such power of entertaining the complaint regarding money transaction then it would be against the functions of the Commission for Women under Section 10 of the National Commission for Women Act 1990 (Central Act 20 of 1990).

6. This Court has considered the submissions made by the learned counsel for the petitioner as well as the learned Additional Public Prosecutor.

7. In view of the above fact, this Court finds that the complaint dated 08.05.2009 lodged by the 2nd respondent is deserved to be quashed. Accordingly, this Criminal Original Petition is allowed and the complaint lodged by the 2nd respondent before the 1st respondent is quashed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS II)

//True Copy//

Sub Assistant Registrar

ssn

To

1. Chairperson,
Tamil Nadu State Commission for Women,
Chepauk,
Chennai-5.

2. The Public Prosecutor,
Madras High Court,
Chennai.

+ 1 cc to M/s. N. Ravishankar Vallatharasu, Advocate Sr.72436

CRL.O.P.No.17083 of 2010
and
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ALA(CO)
Eu 24.03.2017



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