

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.24967 of 2016

Karthapandi @ PandiKannai

... Petitioner

Vs.

1. The Commissioner of Police,
Thiruppur City Limit,
Thiruppur.

2. The Inspector of Police,
Veerapandi Police Station,
Thiruppur City,
Thiruppur District.

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to direct the respondent for further investigation in Crime No.381 of 2016 on the file of Veerapandi Police Station, Thiruppur District.

For Petitioner : Mr.M.Selvendaran

For Respondents : Mr.C.Emalias
Additional Public Prosecutor

सत्यमेव जयते
O R D E R

This Criminal Original Petition has been filed seeking a direction to the respondent for further investigation in Crime No.381 of 2016 on the file of Veerapandi Police Station, Thiruppur District.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3. The petitioner's daughter Subalakshmi went missing, in connection with which, on the complaint given by the petitioner, the respondent police registered a case in Crime No.381 of 2016 for "girl missing".

4. The petitioner filed HCP.No.2005 of 2016 before this court for production of his daughter Subalakshmi, who is said

to be a minor. The police traced Subalakshmi and produced her before the Division Bench of this Court on 04.10.2016. When enquired by this Court, Subalakshmi stated that she is not willing to go with the petitioner. Therefore, the Division Bench directed that Subalakshmi may be lodged in Mariyalaya Home (Government Approved), Annuparpalayam, Tiruppur till she attains majority.

5. At this juncture, the petitioner has filed the present petition for a direction to the second respondent police to conduct further investigation in Crime No.381 of 2016.

6. The learned counsel for the petitioner submitted that Subalakshmi became pregnant and therefore, a case would be registered against the accused.

7. Per contra, the learned Additional Public Prosecutor submitted that Subalakshmi was born on 13.11.1998 and that she eloped with one Premkumar on 21.06.2016, and when she was produced before the Division Bench, she very clearly stated that she will not go with the petitioner. Thereafter, she was produced before the Judicial Magistrate No.II, Tiruppur.

8. The learned counsel for the petitioner submitted that thereafter, the petitioner have filed a petition under Section 156(3) Cr.P.C. for registering of an FIR before the Judicial Magistrate No.II, Tiruppur and the same was taken on file in CMP.No.4155 of 2016, in which, the learned Magistrate has directed the police to conduct investigation. The facts remains that Subalakshmi is not willing to join her parents. That apart, Subalakshmi and Premkumar belong to different communities. Now, they are major. The Supreme Court in Lata Singh Vs State of Uttarpradesh and another [2006] 5 SCC 475, has directed the instrumentality of the State to encourage intercaste and inter-religious marriages.

9. In view of the above, no directions as prayed for by the petitioner can be granted. Hence, the Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To:

1. The Commissioner of Police,
Thiruppur City Limit,
Thiruppur.

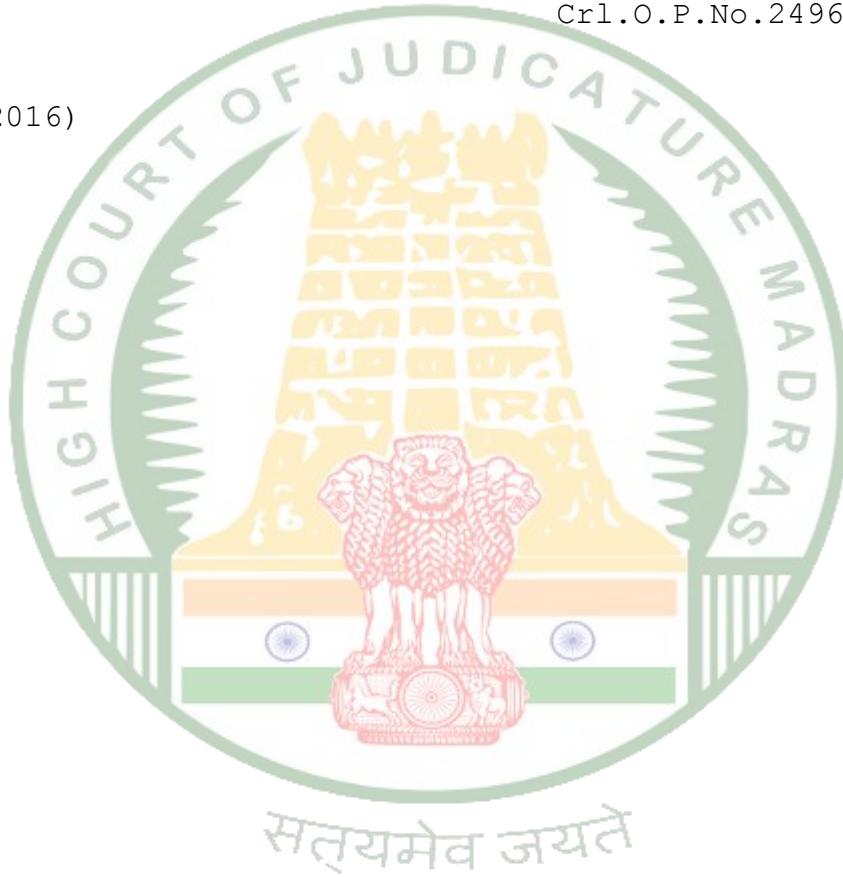
2. The Inspector of Police,
Veerapandi Police Station,
Thiruppur City,
Thiruppur District.

3. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.M.Selvendaran, Advocate, S.R.No.65938

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VD(CO)
CA(09/12/2016)



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