

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2016

CORAM :

THE HON'BLE MR.JUSTICE R.SUBBIAH

Cr1.O.P.No.422 of 2016

Thulasi Gopalakrishnan

... Petitioner

Vs.

The Inspector of Police,
No.R9, Valasaravakkam Police Station,
Chennai.

.... Respondent

Prayer: Petition filed under Section 482 of the Criminal Procedure Code praying to direct the respondent to investigate/execute and report in the Non Bailable Warrant C.C.No.200/13 pending on the file of the X Metropolitan Magistrate Court, Egmore, Chennai within a stipulated time.

For Petitioner : Mr.ThulasiGopalakrishnan
(Party in person)

For Respondent : Mr.C.Emalias,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking a direction to the respondent to investigate/execute and report in the Non Bailable Warrant in C.C.No.200/2013 pending on the file of the X Metropolitan Magistrate Court, Egmore, Chennai, within a stipulated time.

2.It is seen in the affidavit filed by the petitioner that the petitioner is the first wife of Gopala Krishnan. She has filed a private complaint against her husband under Section 494 of IPC and the same was taken on file in C.C.No.200 of 2013 by the learned X Metropolitan Magistrate, Egmore, Chennai. The trial Court has issued a Non Bailable Warrant on 08.09.2015 against the said Gopala Krishnan, which is still pending before the respondent-police. Thereafter, the petitioner has filed a petition under Section 82(1) of Cr.P.C,

to issue proclamation against the accused. Hence, the learned X Metropolitan Magistrate, Egmore, Chennai, issued a memorandum dated 28.07.2015 to the respondent-police to send a report regarding C.C.No.200 of 2013 without fail, which is extracted hereunder:-

MEMORANDUM

Sub: Cases - Criminal - C.C.No.200/2013 - on the file of this Court - Thulasi Vs.Gopalakrishnan and Subathra offence U/s 494 IPC - NBW against A1 not executed - called for report - reg.

One Tmt.Thulasi, W/O Gopalakrishnan has filed case in C.C.No.200/2013 the offence U/s 494 IPC against Gopalakrishnan and Subathra. This Court has issued a Non Bailable Warrant against A1 Gopalakrishnan. The above said NBW is pending in the R9 Valasaravakkam Police Station, Chennai. The NBW has not been executed on the accused Gopalakrishnan till date. Now, the complainant has filed a petition U/s 82(1) and (2) CrPc to issue proclamation against the accused. Hence, the Inspector of Police (Law & Order) R9 Valasaravakkam Police Station is hereby directed to send a report in this regard on or before 14.08.2015 without fail.

But, till date the respondent-police has not sent any report to the learned X Metropolitan Magistrate, Egmore, Chennai. Hence, the petitioner has filed the present criminal original petition.

3.Heard the petitioner-party in person and the learned Additional Public Prosecutor appearing for the respondent.

4.Considering the facts and circumstances of the case and also considering the petition filed by the petitioner under Section 82(1) of Cr.P.C., to issue proclamation against the accused, which is still pending, in which the learned X Metropolitan Magistrate, Egmore, Chennai has already called for report from the respondent police, this Court is of the view that it would be appropriate to direct the respondent-police to send a report to the learned X Metropolitan Magistrate, Egmore, Chennai, instead of directing the respondent-police to execute the Non Bailable Warrant issued

against the accused by the trial Court. Accordingly, this criminal original petition is disposed of with a direction to the respondent-police to send a report regarding C.C.No.200 of 2013 to the X Metropolitan Magistrate, Egmore, Chennai, within a period of one month from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Xth Metropolitan Magistrate Court,
Egmore, Chennai.
2. The Inspector of Police,
No.R9, Valasaravakkam Police Station,
Chennai.
3. The Public Prosecutor,
High Court, Madras.

+2cc's to Mr.ThulasiGopalakrishnan, (Party in Person),
S.R.No.2288

Crl.O.P.No.422 of 2016

VGI (CO)
CA(02/02/2016)

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