

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.No.4988 of 2016

Kannagavalli
W/o.T.Arun

.. Petitioner

Vs.

The State Rep by
Inspector of Police
AWPS, Jeyankondam
Ariyalur Dist.,

.. Respondent

Prayer:

Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondent police to register a criminal case on the complaint dated 09.01.2016 given by the petitioner and investigate the case and file a final report within a stipulated time.

For Petitioner : Ms.A.Anusuya

For Respondents : Mr.C.Emalias,
Addl. Public Prosecutor

O R D E R

The petitioner has come forward with this petition seeking for a direction to the respondent police to register a criminal case on the complaint dated 09.01.2016 given by the petitioner and investigate the case and file a final report within a stipulated time.

2.When the matter was listed on 07.03.2016, both the spouses along with the child was directed to appear before this court on 17.03.2016. On 17.03.2016, the petitioner/wife, her husband and the child was present before the Court and on the said date, the child was handed over to the petitioner. During enquiry, the husband and the mother-in-law of the petitioner would represent that the child was abandoned by the petitioner and they did not separate the child and the mother viz., the petitioner herein. So, the learned Additional Public Prosecutor was directed to ascertain the veracity of the allegations made against the petitioner.

3. Today, the learned Additional Public Prosecutor, on instructions would submit that the petitioner is in the habit of abandoning her child whenever she was at the loggerheads with her husband.

4. In view of the above stated position, I am of the considered view that there arises no necessity to register a criminal case on the basis of the complaint dated 09.01.2016 given by the petitioner. Hence, the present Criminal original petition deserves to be dismissed and accordingly, dismissed.

5. At this juncture, the learned counsel appearing for the husband would seek visitation rights for the father to visit his child. Considering the submission, the learned counsel is directed to approach the appropriate forum seeking visitation rights or custody of the child.

pgp

s/d-
Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

To

1. The Inspector of Police
AWPS, Jeyankondam
Ariyalur Dist.,

2. The Public Prosecutor
High Court, Chennai.

+ 1 cc to M/s.Stanley John, Advocate SR 17846

sns(co)
prk5/4

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