

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

CrI.O.P.No.7395 of 2016

S.Saraswathi

..Petitioner/Informant

Vs.

State rep.by its  
The Inspector of Police,  
All Women Police Station,  
Sethiyathope,  
Cuddalore District.

.. Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondent police to register a case based on the Information Report dated 04.03.2016 in C.S.R.No.54 of 2016 pending on the file of the respondent police.

For Petitioner : Mr.R.Sudhakar

For Respondent : 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 to register a case pertaining to the petitioner's complaint dated 04.03.2016.

2. The learned counsel for the petitioner submitted that the petitioner has lodged a complaint before the respondent on 04.03.2016, for which, C.S.R.No.54 of 2016 has been given. But the respondent has not taken any steps to enquire the matter and register the case. Therefore, the petitioner has come forward with this petition for the above stated relief.

3. At this juncture, the learned Additional Public Prosecutor, on instructions, would submit that on the basis of the complaint given by the petitioner, petition enquiry in C.S.R.No.54 of 2016. He would further submit that the petitioner did not co-operate for enquiry.

4. Considered the rival submissions made by both sides and perused the typed set of papers.

5. On perusal of the complaint itself shows that the marriage has been performed between the petitioner and one Velumurugan in the year 2004. They are blessed with two children and they lived together for eight months. Thereafter due to difference of opinion, the petitioner left the matrimonial home. Now the petitioner came to know that her husband got second marriage and hence, she has given a complaint. In such circumstances, I am of the view that the petitioner has to give a private complaint and the police authorities had no authority to register a case for the offence punishable under Section 494 IPC. Hence, the Criminal Original Petition is dismissed.

kkd

Sd/-  
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Inspector of Police,  
All Women Police Station,  
Sethiyathope,  
Cuddalore District.

2.The Public Prosecutor,  
High Court, Chennai.

KR/15/4/16

सत्यमेव जयते

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