

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

CrI.O.P.No.7592 of 2016

S.Sridevi

.. Petitioner

Vs.

State rep. by its
The Inspector of Police,
W-9 All Women Police Station,
Villivakkam, Chennai - 49.

.. Respondent

Prayer:-Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the respondent to register case on the petitioner's complaint dated 07.03.2016.

For Petitioner : Mr.A.Selvendaran

For Respondent : Mr.C.Emalias

Additional Public Prosecutor

ORDER

The petitioner has come forward with this petition seeking for a direction to the respondent police to register a case pertaining to the petitioner's complaint dated 07.03.2016.

2.The learned counsel for the petitioner submitted that the petitioner has lodged a complaint before the respondent on 07.03.2016, for which, C.S.R.No.57 of 2016 has been given. But the respondent has not shown any interest to enquire the matter and register the case. Hence, 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 receipt of the complaint from the petitioner, C.S.R.No.57 of 2016 has been assigned, both the parties were called for enquiry and they came to know that the petitioner's wife has given a complaint under the Domestic Violence Act and hence, the complaint was

closed on 13.03.2016.

4.Considering the rival submissions made on both sides and on perusal of the file produced by the learned Additional Public Prosecutor, it is seen that the petitioner alone has given a complaint against his wife and the petitioner's wife has not taken any action under the Domestic Violence Act. Hence, I am of the view that it is a fit case to re-open the closure report and enquire the matter afresh. Therefore, the respondent is directed to re-open the case and expedite the enquiry and follow the dictum laid down in Lalitha Kumari vs. Govt. of U.P & others [2013 (4) Crimes 243 (SC) and register a case, if any cognizable offence is made out. The petitioner is also directed to appear before the respondent police on 15.04.2016 for enquiry.

5. The Criminal Original Petition is disposed of with the above direction.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Inspector of Police,
W-9 All Women Police Station,
Villivakkam, Chennai - 49.

2.The Public Prosecutor
High Court, Chennai.

+1 cc to M/s.A.Selvendren Advocate sr.22709

सत्यमेव जयते

Cr1.O.P.No.7592 of 2016

aa13/04/2016

WEB COPY