

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Crl.O.P.No.774 of 2016

C.Arumugam

... Petitioner

Vs

1. The Superintendent of Police
Salem District.

2. The Inspector of Police,
Malliyakarai Police Station,
Athur Taluk, Salem District.

Respondents

...

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondents to take appropriate action to register are FIR on the complaint dated 20.05.2015 and investigate the same in accordance with law and pass final report in the above compliant.

For Petitioner : Mr.D.Bharathy

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

O R D E R

This petition has been filed to direct the respondents to take appropriate action to register the FIR on the complaint dated 20.05.2015 and investigate the same in accordance with law and to file the final report.

2. The petitioner herein lodged a complaint as against one Neelambal stating that during 1998, the petitioner's brother Jayashankar married the said Neelambal and after 20 days of marriage, his brother died. After the demise of his brother, the parents and family members of the petitioner compelled the petitioner to marry her. Since he is physically a handicapped person, he agreed to marry the said Neelambal. Subsequently, his wife, Neelambal and his in-laws started harassing the petitioner. It is also the allegation of the petitioner that the said Neelambal is having illegal connection with one A.K.Muthusamy. Hence, he lodged a complaint with the Malikarai police station and Eathapur police station against them. Since no action was taken so far, the present petition has been

filed.

3. When the matter is taken up for consideration, learned Additional Public Prosecutor submitted that earlier, the petitioner's wife has lodged a complaint against this petitioner with the respondent police stating that this petitioner is not taking care of her and her child. During the course of enquiry, this petitioner agreed to pay maintenance to the child. Thereafter, without paying the maintenance, he has come forward with the present petition. It appears that only in order to avoid payment of maintenance, the present petition has been filed.

Irrespective of the submissions made on either side, since already the complaint given by the petitioner is pending with respondent police, this Court directs the 2nd respondent police to conduct an enquiry on the complaint given by the petitioner and upon enquiry, if the materials are gathered indicating any cognizable offence, he is directed to proceed further in accordance with law as early as possible, preferably within a period of six weeks from the date of receipt of a copy of this order. If no prima facie case is made out for registering the complaint, the respondent is at liberty to pass an appropriate order on the said complaint.

5. The criminal original petition is disposed of accordingly.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

vsi

To

1. The Superintendent of Police
Salem District.

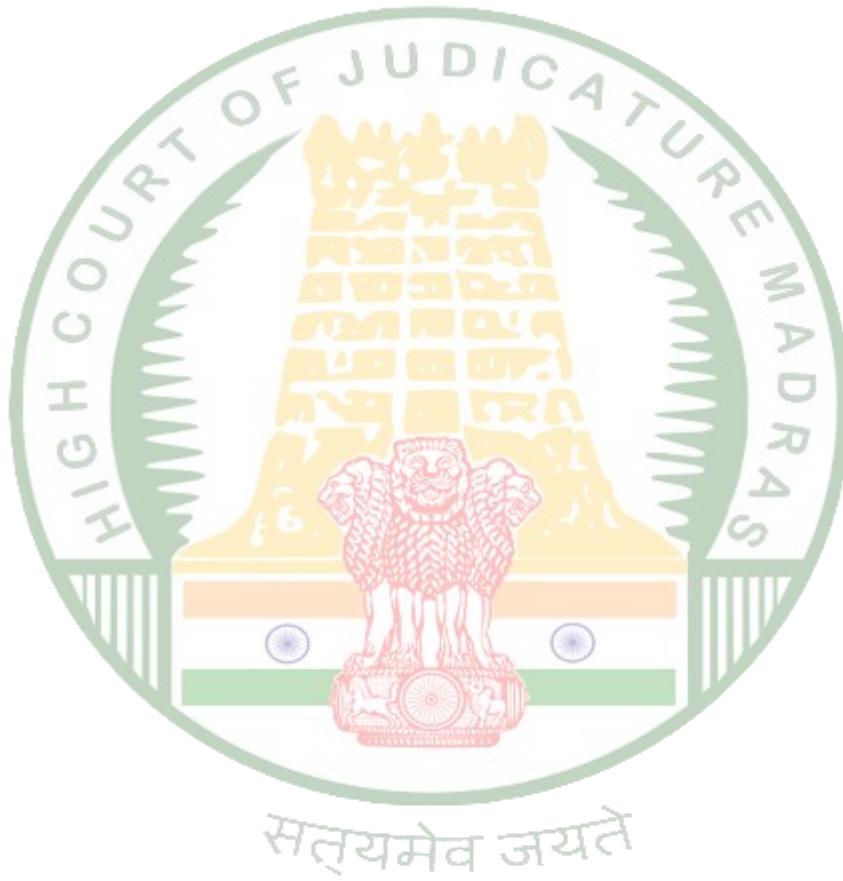
2. The Inspector of Police,
Malliyakarai Police Station,
Athur Taluk, Salem District.

+1 CC to Mr.D.Bharathy, Advocate Sr.2505

CO-SV

ths : 02.022016

Cr1.O.P.No. 774 of 2016



WEB COPY