

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.No.7740 of 2016

K.Senthil Vadivu

... Petitioner

Vs.

1. The Commissioner of Police,
Greater Chennai, Vepery
Chennai.
2. The Superintendent of Police,
Rural, Coimbatore.
3. State rep. by
The Inspector of Police,
W18, All Women Police Station,
M.K.B. Nagar,
Chennai.
4. State rep. by
The Inspector of Police,
All Women Police Station,
Perur AWPS.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondent police to register the complaint dated 09.03.2016 and to take action against the above said persons.

For Petitioner : Mr.V.S.Rajaram

For Respondents : Mr.C.Emalias
Additional 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 case pertaining to the petitioner's complaint dated 09.03.2016.

2.The learned counsel for the petitioner submitted that the petitioner has given a complaint on 11.10.2010, in which, a case has been registered in Crime No.1726 of 2010 for "man missing". Again on 26.05.2011, she has given another complaint, in which, a case has been registered in Crime No.4 of 2011 for the offences punishable under Sections 498(A), 406, 506(i) of IPC stating that she was subjected to dowry harassment and the petitioner had also filed a petition before the learned X Metropolitan Magistrate, Egmore, Chennai in C.C.No.4963 of 2012 under Domestic Violence Act, 2005, which is also pending. Now, the petitioner has given a complaint on 09.03.2016 stating that her husband got second marriage on 02.02.2015. But the respondent police has not shown any interest to enquire the matter and register a case. Hence, the petitioner has come forward with this petition for the above stated relief.

3.Resisting the same, the learned Additional Public Prosecutor would submit that for the offence under Section 494 of IPC, no separate FIR can be registered and the petitioner ought to have approached the appropriate jurisdictional Magistrate for preferring a private complaint. Hence, he prayed for dismissal of the petition.

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

5.The marriage between the petitioner and the counter petitioner has been solemnized on 01.02.2009. Thereafter, on the basis of the complaint given by the petitioner on 11.10.2010, a case in Crime No.1726 of 2010 has been registered for man missing . Subsequently, the petitioner gave another complaint that her husband has caused mental cruelty by demanding dowry and he has also taken away her jewels. Hence, a case in Crime No.4 of 2011 has been registered on 26.05.2011 for the offences punishable under Sections 498(A), 406, 506(i) of IPC and the same is under investigation. Now, on 09.03.2016, the present complaint has been given stating that her husband got second marriage with one Suguna Somaraju on 02.02.2015 and in the complaint, she has narrated all the aspects in respect of registration of two FIRs and in respect of the petition filed before the learned X Metropolitan Magistrate, Egmore, Chennai in C.C.No.4963 of 2012 claiming benefits under the Domestic

Violence Act. But as per Section 494 of IPC, the petitioner has to give a private complaint before the concerned Magistrate and the respondent police has no authority to register a case. Recording the same, the Criminal original Petition is disposed of.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

cse

To

1. The Commissioner of Police,
Greater Chennai, Vepery
Chennai.
2. The Superintendent of Police,
Rural, Coimbatore.
3. The Inspector of Police,
W18, All Women Police Station,
M.K.B. Nagar, Chennai.
4. The Inspector of Police,
All Women Police Station,
Perur AWPS.
5. The Public Prosecutor
High Court, Chennai.

+2cc's to Mr.V.S.Rajaram, Advocate, S.R.No.23365

Cr1.O.P.No.7740 of 2016

PUR(CO)
CA(10/05/2016)

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