

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2016

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.959 of 2016

V.Kalaivani

... Petitioner

Vs

1.State

rep. by the Superintendent of Police,
Villupuram Taluk and District.

2.The Station House Officer

All Women Police Station,
Tirukoilur Taluk,
Villupuram District.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the first respondent police to order the second respondent to register the First Information Report on the complaint dated 09.10.2014 registered in C.S.R.No.331 of 2014 on the file of the second respondent and investigate into the matter.

For Petitioner : Mr.S.Srinath

For Respondents : Mr.C.Emalias
Additional Public Prosecutor

सत्यमेव जयते
O R D E R

The present criminal original petition has been filed to direct the first respondent police to order the second respondent to register the First Information Report on the complaint dated 09.10.2014 registered in C.S.R.No.331 of 2014 on the file of the second respondent.

2. The petitioner married one Vijayakumar, on 26.07.1997 at Lakshmi Marriage Hall at Tirukoilur. At the time of marriage, the petitioner's father has given 20 sovereigns of jewels to her and five sovereigns of gold chain and a Hero Honda bike were gifted to the husband of the petitioner. Due to the wedlock, she gave birth to a girl child. Thereafter, the husband

of the petitioner harassed the petitioner regularly and started ill-treating the petitioner and her daughter very badly. He has also developed illegal intimacy with one Rajakumari. On 28.09.2014, the petitioner's husband and his concubine namely Rajakumari attempted to kill the petitioner and her child by pouring petrol on them. Hence, the petitioner lodged a complaint dated 09.10.2014 registered in C.S.R.No.331 of 2014 on the file of the second respondent Police. Till date, no action was taken on the complaint dated, 09.10.2014, the petitioner has come forward with the present criminal original petition.

3. When the matter was taken up for consideration, the learned Additional Public Prosecutor submitted that the complaint of the petitioner dated 09.10.2014 was forwarded to the District Social Welfare Officer, Villupuram on 12.12.2014. The District Social Welfare Officer, Villupuram filed the complaint in MC.No.117 of 2014 before the Judicial Magistrate, Tirukoilur, under the Domestic Violence Act. Thus, nothing survives in the present complaint.

4. The Specific allegation as against the petitioner is that the husband of the petitioner made an attempt to kill the petitioner and her child by pouring petrol on them and hence she sought for a direction to register the complaint against her husband. As the learned Additional Public Prosecutor submitted that based on the complaint given by the petitioner dated 09.10.2014, the District Social Welfare Officer, Villupuram already filed a complaint under the Demotic Violence Act, now, this Court cannot give any direction to register a case based on the said complaint. However, the petitioner is at liberty to file a fresh complaint to the second respondent police and on receipt of the same, the second respondent police is directed to conduct enquiry and upon enquiry, if materials are gathered indicating commission of any cognizable offence, he is directed to proceed further in accordance with law.

5. This criminal original petition is disposed of accordingly.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The Superintendent of Police,
Villupuram Taluk and District.

2.The Station House Officer
All Women Police Station,
Tirukoilur Taluk,
Villupuram District.

3. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.S.Srinath Advocate sr.4452

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