

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2017

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Crl.O.P.No.4441 of 2017

Yasmin

... Petitioner

Vs

1. The Commissioner of Police,
Greater Chennai,
EVK Sampath Salai,
Vepery, Chennai.

2. The Inspector of Police,
W2, All Women Police Station,
Chennai.

.... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent police to register FIR on the written complaint of the petitioner dated 09.03.2016 as per orders passed in Crl.M.P.No.1875 of 2016 dated 02.06.2016 and 23.08.2016 pending on the file of the XIII Metropolitan Magistrate, Egmore, Chennai.

For Petitioner : Mr.I.Abdul Basith

For Respondent : Mr.C.Emalias, APP

ORDER

This Criminal Original Petition has been filed seeking a direction to the respondent police to register a FIR on the basis of the complaint dated 09.03.2016 made by the petitioner, as per the orders dated 02.06.2016 and 23.08.2016 passed by the learned XIII Metropolitan Magistrate, Egmore, Chennai in Crl.M.P.No.1875 of 2016.

2. The case of the petitioner is that as against his husband and in-laws, she has lodged a complaint with the respondent police, alleging that she was subjected to cruelty

and harassment on account of the dowry demand. Since no action was taken on the said complaint, she has filed a petition in CMP.No.1875 of 2016 under Section 156(3) Cr.P.C before the learned XIII Metropolitan Magistrate, Egmore, Chennai, seeking a direction to the respondent police to register her complaint. After going through the records, the learned Magistrate by order dated 02.06.2016, directed the respondent to register a case. Finding no response, the learned Magistrate by order dated 23.08.2016, again directed the respondent police to register a FIR immediately. However, till date, no case has been registered by the respondent police. Hence, this petition.

3. Learned counsel for the petitioner submitted that though the petitioner has lodged the complaint before the respondent police on 09.03.2016, no action has been taken on the same. Even after the petitioner approaching the lower court invoking Section 156(3) Cr.P.C and obtaining an order on 02.06.2016 and again on 23.08.2016, directing the respondent police to register her complaint, no case has been registered by the respondent police. Therefore, the petitioner has no other alternative except to approach this Court with the present petition for appropriate direction.

4. Heard learned Additional Public Prosecutor taking notice for the respondent, who is unable to explain the inaction on the part of the respondent police.

5. On a perusal of the records placed before this court, it could be seen that the petitioner earlier approached the respondent police with a complaint dated 09.03.2016. Finding no response, she filed the complaint by way of petition under Section 156(3) Cr.P.C seeking a direction to the respondent police to register her complaint. The learned Magistrate, after analysing the entire materials placed before him, has found prima facie case in favour of the petitioner and has twice directed the respondent police to register the complaint lodged by the petitioner. However, till date, no case has been registered by the respondent police. Further, no plausible reason has been forthcoming on the side of the respondent with regard to the inordinate delay in registering the case, which, in my view, cannot be countenanced.

6. Therefore, considering the facts and circumstances of the case, this Court directs the respondent police to comply with the orders of the learned XIII Metropolitan Magistrate, Egmore, Chennai dated 02.06.2016 and 23.08.2016 passed in CMP.No.1875 of 2016 with regard to register the complaint of the petitioner dated 09.03.2016, forthwith, as per law.

7. This Criminal Original Petition is ordered accordingly.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. XIII Metropolitan Magistrate, Egmore, Chennai.
2. The Commissioner of Police,
Greater Chennai, EVK Sampath Salai,
Vepery, Chennai.
3. The Inspector of Police,
W2, All Women Police Station,
Chennai.
4. The Public Prosecutor, High Court, Madras.

+lcc to Mr.I. Abdul Basith, Advocate Sr. 18247

Crl.O.P.No.4441 of 2017

PVS(CO)
VR(8/5/2017)

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