



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P.(MD)No.8991 of 2017

WEB COPY

Selvi

: Petitioner

-Vs-

State through
The Sub-Inspector of Police,
Vilathikulam Police Station,
Tuticorin District.

: Respondent

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code, to direct the respondent to conduct a preliminary enquiry based on her complaint, dated 12.03.2016, since she aggrieved over more than one year and investigate the case according to law.

For Petitioner

: Mr.V.Jeyarani

For Respondent

: Mr.K.Anbarasan

Government Advocate (Crl.Side)

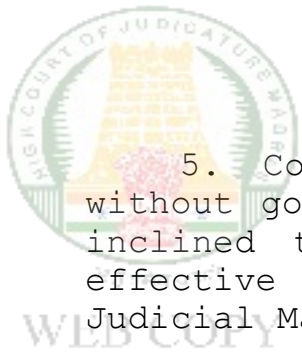
O R D E R

This Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, to direct the respondent to conduct preliminary enquiry, based on the complaint, dated 12.03.2016 within a time frame.

2. Heard Mr.V.Jeyarani, learned counsel appearing for the petitioner and Mr.K.Anbarasan, learned Government Advocate (Crl.Side) appearing for the respondent.

3. It is stated by the learned counsel for the petitioner that the petitioner gave money to the tune of Rs.2,50,000/- to her sister's husband in the presence of the petitioner's husband. However, the petitioner's sister's husband cheated her. Therefore, she has given a criminal complaint attracting the provisions under Sections 420, 507, 294(b), 509, 506(i) IPC., and Section 4 of Tamilnadu Prevention of Women Harassment Act. This Court has already held that the petition under Section 482 for similar direction is not maintainable in view of the alternative remedy available to the aggrieved, under Section 156(3) of Cr.P.C.

4. The learned Government Advocate (Crl.Side) on instructions, would submit that similar complaint filed by the petitioner earlier was registered in Crime No. 6 of 2016 and that the same is pending.



5. Considering the facts and circumstances of the case, without going to the merits of such statement, this Court is not inclined to entertain this petition as the petitioner has an effective alternative remedy and to approach the concerned Judicial Magistrate under Section 156(3) Criminal Procedure Code.

6. Hence this Criminal Original Petition is dismissed. However, liberty is given to the petitioner to approach the appropriate forum to work out her remedy in the manner known to law.

Sd/-

Assistant Registrar (AD-II)

/True copy/

Sub Assistant Registrar

To

1. The Sub-Inspector of Police,
Vilathikulam Police Station,
Tuticorin District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.V.JEYARANI, Advocate, SR No. 65550

DAS/PJL

PSM/MR-KKR/SAR2/25.07.2017/2P/4C

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