

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2018

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

CRL.O.P.No. 4753 of 2018

Hemavathi @ Swaastha

...Petitioner

Vs

1. The Chief Immigration Officer,
Shastri Bhavan,
26, Haddows Road,
Nungambakkam,
Chennai - 600 006.

2. The Inspector of Police,
Chitlapakkam Police Station,
Chitlapakkam,
Chrompet - 600 064.

3. Shelvin Suleshnathan

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the second respondent police to register the FIR on the basis of the complaint of the petitioner dated 12.02.2018 subject matter of CSR No.74 of 2018 on the file of the 2nd respondent.

For Petitioner : Mr.P.V.Sudakar

For Respondents R1 : Mr.P.Ayyaswamy, (for R1)
Central Government Standing Counsel

: Mrs.Kritika kamal.P (for R2)
Government Advocate (Crl.Side)

:Mr.R.Sunil kumar (for R3)

O R D E R

The prayer sought for in the present petition is to direct the second respondent police to register the case on the basis of the petitioner's complaint dated 12.02.2018.

2. Heard Mr.P.V.Sudakar, learned counsel for the petitioner, Mr.P.Ayyaswamy, learned Central Government Standing Counsel for R1, Mrs.Kritika Kamal.P, learned Government Advocate (Crl. Side) for R2, and Mr.R.Sunil Kumar, learned counsel for the respondent 3.

3. Today, when the matter was called, the learned Government Advocate on instructions from the second respondent, submitted that an enquiry had already been conducted on the basis of the petitioner's complaint dated 12.02.2018 and therein it was found that there was no truth in the allegation made by the petitioner. After hearing both the counsels, it is seen that the averments made in the complaint is contrary to the factual aspects of the third respondent herein. In view of certain grievances, the petitioner herein had chosen to sever marital relationship with the third respondent herein. This decision was taken by the petitioner after he was made aware of certain antecedents of the third respondent which was not revealed to him prior to the marriage. I do not intend to go into the veracity or truth of these aspects.

4. Nevertheless, in view of the fact that the preliminary enquiry seems to have been conducted on the petitioner's complaint and the same is reported to have ended up as a mistake of fact, it would not be appropriate to direct the second respondent to register the complaint. Accordingly, the Criminal Original Petition stands dismissed. It is made clear that the third respondent is at liberty to travel in and out of India and the complaint of the petitioner shall not be cited as a hindrance to such travel.

Sd/-
Assistant Registrar(CO)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

vum

WEB COPY

To

1. The Chief Immigration Officer,
Shastri Bhavan,
26, Haddows Road,
Nungambakkam,
Chennai - 600 006.

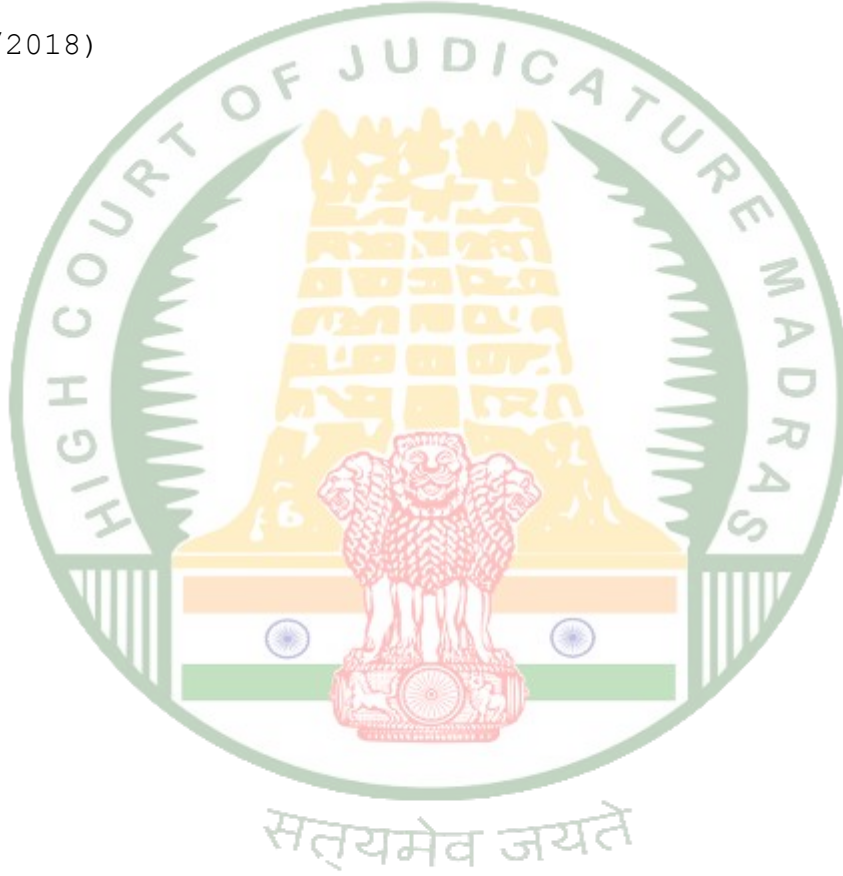
2. The Inspector of Police,
Chitlapakkam Police Station,
Chitlapakkam,
Chrompet - 600 064.

3. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.R.Sunilkumar, Advocate, S.R.No.13759

CRL.O.P.No.4753 of 2018

KAN(CO)
RRK(23/02/2018)



WEB COPY