

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 14.09.2018

CORAM
THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

Crl.O.P.No.22165 of 2018

Supriya @ Suganya

... Petitioner

Vs.

State Rep by
The Sub Inspector of Police
All Women Police Station
Ponneri,
Tiruvallur
District.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to register the petitioner complaint dated 12.05.2018 and further to direct investigation the same.

For Petitioner : Mr.S.Baskar

For Respondent : Mr.C.Raghavan
Government Advocate (Crl.Side)

O R D E R

This petition has been filed by the petitioner to direct the respondent to register a case based on the complaint given by the petitioner, dated 12.05.2018.

2. The learned counsel for the petitioner has submitted that the petitioner's husband has filed HMOP No.139 of 2013 on the file of the Subordinate Court, Ponneri, seeking divorce and the said petition was dismissed. He has further submitted that after dismissal of the said petition, the petitioner's husband developed illicit relationship with one Yogalakshmi and married her and hence the petitioner has lodged a complaint before the respondent on 12.05.2018, but so far, no action has been taken.

3. The learned Government Advocate (Crl.Side) appearing for the respondent has submitted that for the alleged offence, the police cannot take action and that the petitioner has to file a private complaint before the concerned Judicial Magistrate.

4. If the petitioner's husband married one yogalakshmi, it is open to the petitioner to file a complaint before the concerned Judicial Magistrate, since as per Section 198 of

Cr.P.C, no Court shall take cognizable for any offence punishable under Chapter XX of IPC except upon a complaint made by some person aggrieved by the offence. Therefore, this Court cannot direct the respondent to register the case in respect of the aforesaid offence and this criminal original petition is liable to be dismissed.

5. In the result, this Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

msrm/smv

To

1.The Sub Inspector of Police
All Women Police Station
Ponneri,
Tiruvallur District.

2.The Public Prosecutor
High Court of Madras.

+lcc to Mr.S.Baskar, Advocate, S.R.No.64421

Crl.O.P.No.22165 of 2018

SJ(CO)

rrs 25/10/2018

सत्यमेव जयते

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