

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.10.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.22819 of 2018

S.Doss
Petitioner

..

Vs

The Inspector of Police,
P-1 Pulianthope Police Station,
Chennai.

.. Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the respondent to conduct further investigation and alter FIR as per the petitioner's complaint dated 06.09.2018.

For Petitioner : Mr.J.Nissar
Ahamed

For Respondent : Mrs.M.Prabhavathi, APP

O R D E R

On the complaint lodged by Rajesh, the respondent Police have registered a case in Crime No.393 of 2018 on 06.07.2018 under Section 174 Cr.P.C. It is the case of Rajesh that on 05.07.2018 around 10.30 p.m., his mother Lingeswari swooned and she was rushed to a private hospital, from where, she was rushed to the Government Hospital, Chennai, where she was declared brought dead. In the complaint, Rajesh has stated that his mother was having several ailments, for which, she was taking treatment. In the FIR in Crime No.393 of 2018, the deceased Lingeswari has been shown as wife of one Muthu. According to Rajesh, his mother Lingeswari was working in M/s.United India Insurance Company. While so, one Doss has given a representation to the Police stating that Lingeswari deserted her husband Muthu and was living with him and therefore, his name should have been given in the FIR and not the name of Muthu. After giving the representation, Doss has filed the present petition.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor and perused the materials placed on record.

3.In the opinion of this Court, this petition is not maintainable, because even according to Doss, he only had a live-in relationship with Lingeswari and that, Lingeswari was married to Muthu. Under such circumstances, this Court cannot give a declaration under Section 482 Cr.P.C. that the petitioner is the husband of Lingeswari and not Muthu.

In the result, this petition is devoid of merits and is dismissed.

Sd/-

Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

10.10.2018

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To

1.The Inspector of Police,
P-1 Pulianthope Police Station,
Chennai.

2.The Public Prosecutor,
High Court, Madras.

CRL.OP.No.22819 of 2018

ASK(30/10/2018)



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