



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:29.01.2018
CORAM:

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

CRL.O.P. (MD)No.1105 of 2018

Kanaga

... Petitioner

-Vs-

1.The Superintendent of Police,
Sivagangai District,
Sivagangai.

2.The State through
The Inspector of Police,
All Women Police Station,
Manamadurai,
Sivagangai District.

... Respondents

PRAYER: Criminal Original petition filed under Section 482 of Criminal Procedure Code, to direct the respondents 1 & 2 to register a case based on the petitioner's complaint dated 22.12.2017.

For Petitioner : Mr.S.Bharathy Kannan

For Respondents : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Crl. Side)

O R D E R

This Criminal Original petition has been filed to direct the second respondent to register a case, based upon the complaint given by the petitioner, dated 22.12.2017.

2. Heard both sides.

3. The learned counsel appearing for the petitioner has submitted that the petitioner's husband has caused cruelty by demanding dowry and hence, a complaint was lodged on 20.11.2017 and the same has been closed by the second respondent stating that the petitioner's husband has filed a case in H.M.O.P.No.334 of 2017 on the file of the Family Court, Sivagangai for restitution of conjugal rights and hence, the petitioner was advised to work out her remedy in that case. He further submitted that merely because the petitioner's husband has filed a petition for restitution of conjugal rights, the second respondent cannot close her complaint, because the petitioner's complaint discloses cognizable offence and hence, the petitioner lodged another complaint on 22.12.2017 and based on the said complaint, so far no action has been taken.

4.The learned Government Advocate (Crl.side) has submitted that the petitioner's first complaint was closed on 29.11.2017, directing the parties to seek their remedy before the court. He further



submitted that the second complaint also contains the same allegations and the same is still pending.

5. Merely because the petitioner's husband has filed a petition seeking a relief for restitution of conjugal rights, the second respondent cannot direct the petitioner to get remedy in that case, because the petitioner has lodged a complaint stating that she was subjected to cruelty by demanding dowry. So, the second respondent has to enquire the matter on that line and if the enquiry reveals any cognizable offence, the second respondent has to register a case and proceed further in accordance with law.

6. With the aforesaid observation, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar (AD-I)

/True copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Sivagangai District,
Sivagangai.

2. The State through
The Inspector of Police,
All Women Police Station,
Manamadurai,
Sivagangai District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr. S. BHARATHY KANNAN, Advocate, SR. 44920

CRL.O.P. (MD) No. 1105 of 2018
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VS

KK/GT/SAR 4/13.02.2018/ 2P- 5C/