



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2018

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

CRL.O.P.(MD)No.3127 of 2018

S.Selvamurugan

... Petitioner

-vs-

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

2. The Inspector of Police,
All Women Police Station,
Vilathikulam,
Thoothukudi District.

... Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the first respondent herein to register the complaint of the petitioner dated 22.01.2018 investigate the same in accordance with law and file final report within a reasonable time.

For Petitioner : Mr.M.Prabhu

For Respondents : Mr.Prabhu Ramachandran,
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed to direct the first respondent to register a case based on the complaint given by the petitioner dated 22.01.2018.

2.The learned counsel for the petitioner has submitted that the petitioner's wife namely Seethalakshmi has got married one Manthirammoorthy, during subsistence of the first marriage with the petitioner. Hence, the petitioner has lodged a complaint on 22.01.2018, but so far, no action has been taken.

3.The learned Government Advocate (Crl.Side) has submitted that after receipt of the compliant enquiry has been conducted and the same was closed on 31.01.2018.



4. Insofar as, the offence under Section 494 IPC is concerned there is a bar under Section 198 Cr.P.C for taking cognizance based on the police report. Hence, if the petitioner feels that he is aggrieved, then he can file a private complaint directly before the concerned Judicial Magistrate, with regard to the offence under Section 494 IPC.

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

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Thoothukudi District,
Thoothukudi.
2. The Inspector of Police,
All Women Police Station,
Vilathikulam,
Thoothukudi District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 cc TO Mr.M.Prabhu , Advocate in SR No. 54999

cp

AE/SV MMS/SAR1/18.04.2018/2P/5C

CRL.O.P. (MD) No.3127 of 2018
13.03.2018