



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2019

CORAM

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

CRL.O.P (MD)No.15874 of 2019

M.Amutha Rani

... Petitioner

Vs

1.The Commissioner of Police,
Madurai City.

2.The Inspector of Police (Crime),
Thallakulam,
Madurai City.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the respondents to register the F.I.R and conduct investigation and take action within in stipulated time period in pursuance to the order dated 30.07.2019 made in Cr.M.P.No.2382 of 2019, on the file of the learned Judicial Magistrate No.II, Madurai.

For Petitioner

: Mr.M.Iniyavan

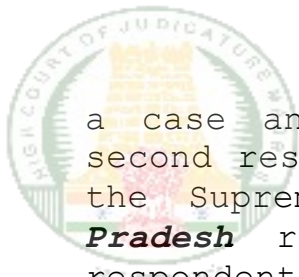
For Respondents

: Mr.R.Anandharaj
Additional Public Prosecutor

O R D E R

This petition has been filed seeking for a direction to direct the respondents to register the F.I.R and conduct investigation and take action within a stipulated time period in pursuance to the order dated 30.07.2019 made in Cr.M.P.No.2382 of 2019, on the file of the learned Judicial Magistrate No.II, Madurai.

2.The learned counsel appearing for the petitioner submitted that the marriage was solemnized between the petitioner and one Manickavelu, who is working as an office assistant at the Superintendent of Police Office in Theni. Out of the wedlock, they were blessed with one male child. Thereafter, the petitioner came to know that her husband married another women without dissolving her marriage and they are having a son in the name of Balamurugan and the birth certificate of Balamurugan would disclose the same. The petitioner lodged a complaint before the respondent police on 06.05.2019, but the respondent police did not take any action, since her husband happened to be a police officer. Therefore, the petitioner filed a petition under Section 156(3) Cr.P.C in Cr.M.P.No.2382 of 2019 before the learned Judicial Magistrate No.II, Madurai seeking a direction to register



a case and the learned Judicial Magistrate has directed the second respondent to conduct enquiry as per the law laid down in the Supreme Court in **Lalitha Kumari Vs. Government of Uttar Pradesh** reported in **2013 (6) CTC 353**. But even then the respondent police neither registered any case nor conducted any enquiry.

3.The learned Additional public Prosecutor appearing for the respondent police submits that on the complaint given by the petitioner against one Manickavelu, a petition enquiry is pending on the file of the respondent Police.

4.Considering the facts and circumstances of the case, this Court deems it fit to allow this petition. Accordingly, this criminal original petition is allowed with a direction to the Commissioner of Police, Madurai City to look into this issue and issue a necessary direction to the second respondent police to conduct an investigation by registering the case.

Sd/-

Assistant Registrar (P&A)

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Sub Assistant Registrar(CS)

vsg

To

1.The Commissioner of Police,
Madurai City.

2.The Inspector of Police (Crime),
Thallakulam,
Madurai City.

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

+1 CC to MR.M.INIYAVAN, Advocate (SR-95762[F] dated 04/11/2019)

CRL.O.P (MD) No.15874 of 2019

04.11.2019

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