

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2020

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No. 28817 of 2019

G.Preethi
D/o.Gopal,
No.32 E, Bharathi Street,
Ammapettai,
Salem, Salem District.

...Petitioner

Vs.

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

2. The Inspector of Police,
Valapadi Police Station,
Salem District

...Respondents

Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code, to direct the respondents to take further action on the complaint of the petitioner dated 14.10.2017 and reminder dated 13.12.2018 in accordance with law to secure the ends of justice.

For Petitioner : Mr.R.Sankarasubbu

For Respondents : Mr.S.Karthikeyan

Additional Public Prosecutor

O R D E R

This petition has been filed by the petitioner to direct the respondents to take further action on the complaint of the petitioner dated 14.10.2017 and also remainder dated 13.12.2018.

2. It is seen that the petitioner fell in love with one Duraimurugan and married him. Due to the objection of the marriage happened between Duraimurugan and the petitioner, the parents of Duraimurugan compelled him to leave the petitioner and come and join with their family, therefore, he left the petitioner and settled along with his parents. Therefore, the petitioner filed a Habeas Corpus Petition in H.C.P.No.2604 of 2016, before this Court.

3. The Hon'ble Division Bench of this Court, by order dated 10.04.2017, has recorded the statement of Duraimurugan and closed the Habeas Corpus Petition, with the following observations:-

"So far as the custody of the detenu is concerned, since he is major and he wants to live with his parents, we are unable to pass any order. With the above observations, the petitioner is at liberty to make a complaint upon which, the Inspector of Police shall register a case and take appropriate action if he finds that any offence has been committed by the detenu".

4. As directed by this Court, the petitioner lodged complaint and also sent a remainder to the 2nd respondent herein. On receipt of the same, the 2nd respondent filed C.S.R.No.355 of 2019, the Deputy Superintendent of Police conducted enquiry in C.S.R.No.355 of 2019 and closed the complaint as no cognizable offence is made out as against the said Duraimurugan on 30.05.2019. It is seen that the Hon'ble Division Bench of this Court directed the Inspector of Police to register the case. Instead of registering a case, the 2nd respondent simply conducted enquiry and closed the same as false one.

5. It is seen from the complaint, that the petitioner made serious allegations against the Duraimurugan that on the false promise of marriage with the petitioner, he had physical relationship. Thereafter, he left the petitioner in lurch and went away with his parents. Further, he also made a statement before the Hon'ble Division Bench of this Court in H.C.P.No.2604 of 2016 he is not willing to live with the petitioner and also disputed the physical relationship with her. Therefore, there is a material to register the case for cognizable offence as against the said Duraimurugan. Unfortunately, the 2nd respondent without even registering the case as against the said Duraimurugan, simply conducted the enquiry and closed. Therefore, the closure report filed by the 2nd respondent is hereby set aside. The petitioner is directed to lodge a fresh complaint against the said Duraimurugan, before the 2nd respondent forthwith. On the receipt of the same, the 2nd respondent shall register a case as against the said Duraimurugan and take appropriate action against him in accordance with law.

With the above direction, this petition is allowed.

Sd/-

Assistant Registrar

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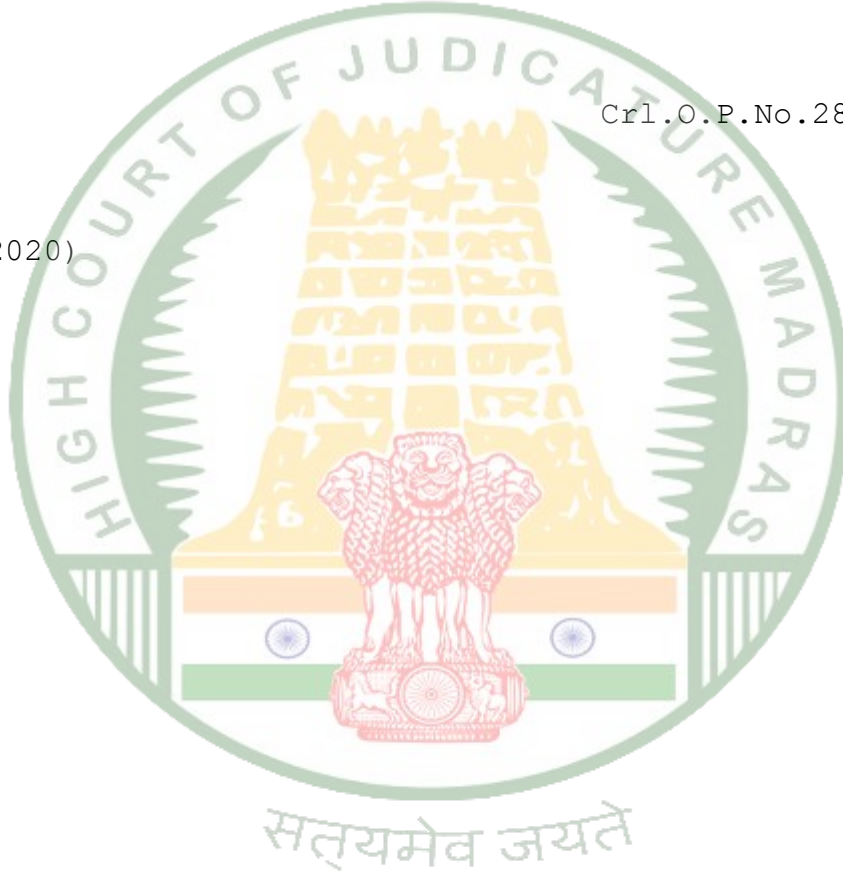
Sub Assistant Registrar

To

1. The Superintendent of Police,
Salem District,
Salem.
2. The Inspector of Police,
Valapadi Police Station,
Salem District
3. The Public Prosecutor,
High Court, Madras.

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KS (CO)
RV (08/10/2020)



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