

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.02.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.OP.No.2111 of 2021

Kiruthiga

.. Petitioner

Vs.

1. The Commissioner of Police,
No.132, Commissioner office bUilding,
EVK Sampath Road,
Vepery, Periyamet, Chennai 600 007.

2. The Inspector of Police,
K5, Peravallur Police station,
Chennai.

3.Madhu Kiran Polani

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of Cr.PC to direct the respondent police to investigate the matter and register the complaint and take further action on the complaint dated 30.12.2020.

For Petitioner : Mr.T.K.S.Bharathy Anandraj

For Respondents : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

R1 & R2

No Appearance For R3

ORDER

This petition has been filed for a direction to the 2nd respondent to enquire into the complaint given by the petitioner on 30.12.2020.

2. The grievance of the petitioner is that the 3rd respondent, who is her husband has completely paralyzed her movements and thereby, the petitioner is not even in a position to prosecute her case before the Courts and when she moves out of the matrimonial home, she is not again permitted to get back and she is left in the streets. Under normal circumstances, this Court would not have entertained this petition since there is an alternative remedy for the petitioner to get the FIR registered by filing a petition before the concerned Magistrate under Section 156(3) of Cr.PC. This Court would have directed the petitioner to approach the

concerned Court and seek for protection orders under the Domestic Violence Act. However, the petitioner is not able to exercise any of these rights, since she is prevented from entering the house, if she goes out to the police station or to the Court.

3. Considering the peculiar situation, this Court ordered notice to the 3rd respondent. The 3rd respondent has been served and his name has also been printed in the cause list and there is no appearance either in person or through counsel.

4. In view of the above, there shall be a direction to the 2nd respondent to call the parties for an enquiry, pursuant to the complaint given by the petitioner on 30.12.2020. If the petitioner is not even in a position to enter her matrimonial home, the 2nd respondent shall immediately refer the petitioner to the protection officer and the protection officer shall approach the concerned court and redress the grievance of the petitioner.

5. This Criminal Original petition is disposed of with the above directions.

rka

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Commissioner of Police,
No.132, Commissioner office Building,
EVK Sampath Road,
Vepery, Periyamet, Chennai 600 007.
2. The Inspector of Police,
K5, Peravallur Police Station,
Chennai.
3. The Additional Public Prosecutor
High Court, Madras.

+ 1 cc to M/s. T.K.S. Bharathy Anandraj, Advocate Sr.12066

Cr1.O.P.No.2111 of 2021

JP-II(CO)
EU 2.3.2021