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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.5471 of 2021

A.Syed Suhail

... Petitioner

Versus

The Inspector of Police
J6 Police Station
Thiruvannamiyur
Chennai 600 041.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to file the final report in FIR No.2583 of 2015 dated 04.07.2015 on the file of the Inspector of Police, J6 Police Station, Thiruvannamiyur.

For Petitioner : M/s.A.Shabnam Banu

For Respondent : Mr.A.Damodaran
Government Advocate (Crl.Side)

ORDER

This petition has been filed to direct the respondent to file final report in FIR No.2583 of 2015 dated 04.07.2015 on the file of the Inspector of Police, J6 Police Station, Thiruvannamiyur.

2. The petitioner/defacto complainant in Crime No.2583 of 2015 for the offence under Sections 294(b), 379 and 506(i) of IPC has filed this petition, directing the respondent to file a final report.

3. On perusal of the complaint it is seen that the accused in this case are the petitioner's estranged wife and her family members. There is some family dispute between the petitioner and his estranged wife and in this regard a matrimonial suit is pending before the Family Court. Earlier, investigation in this case was almost completed as early as in the year 2015. In the meanwhile, the petitioner had given a letter on 27.12.2015 which reads as follows:-



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"Dear Sir,

Sub: Return of complaint given at your Police Station.

I had filed complaint against my wife Mrs.Shaziya and her family members (TUFAIL, SHUAIB, SHAFEEQ), so I like to take back the complaint made against all of them. So, kindly cancel all the CSR, FIR that I filed against them. I am clear and without any doubts in my mind. I declare that I will take back the complaints made against them all."

4. In view of the same, the Final Report not filed. Since it is a matrimonial dispute, this Court as well as the Hon'ble Apex Court had time and again advised that in the matrimonial dispute, the police to show humane attitude and see that the dispute to be resolved amicably. Now the petitioner after giving withdrawal letter, making allegation that the charge sheet has not been filed, is not proper.

5. The learned Government Advocate (Crl.Side) has submitted that within a period of one month charge sheet will be filed in this case.

6. In view of the same, the respondent police is directed to file a final report within a period of one month.

7. This Criminal Original Petition is disposed of with the above directions.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

dna

To

1.The Inspector of Police
J6 Police Station
Thiruvanmiyur
Chennai 600 041.

2.The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.5471 of 2021

AKII(CO
PR (23/07/2021)