



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.OP.NO.18763 OF 2021

R.Jeyasree

... Petitioner

Versus

1. The State of Tamil Nadu,
Rep. by the Inspector of Police,
W-8, All Women Police Station,
Thirumangalam,
Chennai - 600 101.

2. S.Selva Vinayagam

3. Sundaram

4. Tmt.Rajeswari

5. Gowtham

6. Rajaji

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the Chief Metropolitan Magistrate, Egmore, Chennai entertain the petition filed by the petitioner dated 05.07.2021 under 156(3) Cr.P.C. and pass direction to the first respondent to register the case on complaint dated 12.01.2021.

For Petitioner : Mr.M.Appajicharles Kamalesh

For R1 : Mr.E.Raj Thilak
Additional Public Prosecutor

O R D E R

The Criminal Original Petition is filed to direct the Chief Metropolitan Magistrate, Egmore, Chennai to entertain the petition filed by the petitioner dated 05.07.2021 under 156(3)



Cr.P.C. and pass direction to the first respondent to register the case on complaint dated 12.01.2021.

2.The petitioner, estranged wife of one Selva Vinayagam, lodged a complaint on 12.01.2021 before All Women Police Station, Thirumangalam, Chennai. The Thirumangalam Police received the complaint and assigned C.No.91/DCAN/Camp/CPO-PG/2021 and thereafter, no action taken. Hence, the petitioner filed a petition under Sec.156(3) of Crl.P.C.. before the Addl. Mahila Court, Egmore, Chennai and the learned Addl. Mahila Court by an order dated 05.07.2021 finding that allegations involved in Dowry Prohibition Act, the jurisdiction court would be Chief Metropolitan Magistrate. Hence, the petition was represented before the Chief Metropolitan Magistrate Court, Egmore, Chennai and the learned Chief Metropolitan Magistrate by an order dated 06.07.2021 finding that the occurrence took place at Villupuram District, the Chief Metropolitan Magistrate, Chennai does not have any jurisdiction and hence, returned the complaint.

3.Thereafter, the petitioner had filed a petition under Sec.156(3) of Crl.P.C. before the Judicial Magistrate No.2, Poonamallee in C.M.P. No. 4315 of 2021 and the learned Judicial Magistrate No.2, Poonamallee by an order dated 31.08.2021, finding that there is no All Women Police Station in Maduravoyal jurisdiction and All Women Police Station, Thirumangalam does not fall under its jurisdiction and hence, the petition was returned.

4.Now, the petitioner relying upon the decision of Apex Court in the case of Rupali Devi vs. State of Uttar Pradesh and others reported in (2019) 3 MLJ Crl. 449 filed this petition seeking a direction directing the Chief Metropolitan Magistrate, Egmore, Chennai to entertain the petition and pass appropriate orders under Sec.156(3) of Crl.P.C. on the complaint of petitioner dated 12.01.2021.

5.On considering the submissions and on perusal of materials, it is seen that in the complaint of the petitioner, there are specific averments against the estranged husband and in-laws for dowry demand harassment and cruelty, she is subjected to. In view of the above referred decision of Apex Court, it is clearly held in para 16 as follows :-

"16. We, therefore,hold that the courts at the place where the wife takes shelter after leaving or driven away from the matrimonial home on account of acts of cruelty committed by the husband or his relatives, would, dependent on the factual situation, also have jurisdiction to entertain a complaint alleging



commission of offences under Section 498A of the Indian Penal Code."

In view of the same, the complaint of the petitioner to be entertained and it cannot be returned on the point of jurisdiction, where the petitioner has now taken shelter after being driven out from the matrimonial home.

6.This Court finds that in a matrimonial case there is a specific direction held by the Hon'ble Apex Court. The Hon'ble Apex Court had given a specific direction that the point of jurisdiction cannot be insisted for registration of case in a matrimonial issue. In view of the same, this Court directs the Chief Metropolitan Magistrate to entertain the petition filed by the petitioner dated 05.07.2021 and pass appropriate orders as per law.

7.Accordingly, this Criminal Original Petition stands disposed of.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

ah

To

1. The Chief Metropolitan Magistrate,
Egmore, Chennai - 600 008.
2. The Inspector of Police,
W-8, All Women Police Station,
Thirumangalam, Chennai - 600 101.
3. The Public Prosecutor,
High Court, Madras.

+1cc to M/s.M.Appajicharles Kamalesh, Advocate, S.R.No.62580

Cr1.OP.No.18763 of 2021

PL(CO)
RLP(16/12/2021)