



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.24758 of 2021

Someswari ... Petitioner

Versus

State rep by
Inspector of Police,
All Women Police Station,
Hosur, Krishnagiri District. ... Respondent

PRAYER: Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure, to direct the respondent police to register the petitioner's complaint dated 29.10.2021.

For Petitioner :Mr.A.Balamurugan

For Respondent :Mr.R.Vinothraja
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to direct the respondent police to register the petitioner's complaint dated 29.10.2021.

2.The grievance of the petitioner is that the petitioner lodged a complaint on 17.11.2021. According to the petitioner, the marriage between the petitioner and the counter complainant, her husband Jayaraman, taken place on 17.06.1987. Out of their marriage, they have a male child born on 23.06.1988, viz., Ganesh Raju. Their Son's marriage had taken place on 11.05.2016, the petitioner came to know that her husband had married one Kantha, working in Coir Board, Peenya Branch and they have got 18 year old girl. The petitioner and her husband got separated and they are living separately. For the past 32 years, the petitioner had been cheated by her husband without disclosing about the second marriage. Hence, the complaint.



3.The learned Government Advocate (Crl.side) submits that on the complaint lodged by the petitioner, CSR No.422 of 2021 assigned. The petitioner and the counter complainant were called for enquiry and it is found that the marriage had taken place in the year 1987, they got separated and they were living separately for the past 23 years. Further, the petitioner filed a maintenance case in M.C.No. 1 of 2019, before the Sub Court, Hosur and the next hearing date is 21.12.2021. Further, during enquiry, it is found that the petitioner's husband married one Kandha, while the first marriage is in subsistence and it would only attract offence under Section 494 I.P.C.

4.In view of the same, finding that Section 494 is not an cognizable offence, the criminal original petition is closed and the petitioner is advised to file a private complaint.

Sd/-

Assistant Registrar(CS-VI)

// True Copy //

Sub Assistant Registrar

sms

To

1. The Inspector of Police,
All Women Police Station,
Hosur, Krishnagiri District.

2.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.A.Balamurugan, Advocate SR.No.67868

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KSM(CO)
CB(10/01/2022)