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Crl.O.P.No.1258 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.1258 of 2023

Nagajothi

...Petitioner

Vs.

1.The Superintendent of Police,
Dharmapuri District,
O/o. Superintendent of Police,
Dharmapuri.

2.The Deputy Superintendent of Police,
Pappireddipatti Range, Dharmapuri District.

3.The Inspector of Police,
All Women Police Station,
Harur, Dharmapuri District.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the respondent police to register the FIR and file a report before this Court.

For Petitioner : Mr.R.Balaguruswamy
For R1 to R3 : Mr.Leonard Arul Joseph Selvam
Government Advocate (Criminal side)

ORDER

This Criminal Original Petition is filed to direct the respondent police to register the FIR and file a report before this Court.



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2.It is the submission of the learned counsel for the petitioner that the marriage between petitioner and Vijayakumar had taken place on 08.09.2011.

At the time of marriage, petitioner was provided with 25 sovereigns of gold jewels, marriage expenses were borne by petitioner's father and her husband was given Honda Shine two wheeler. When she was living with her husband, her husband's elder brother Senthilkumar gave sexual torture against the petitioner. When petitioner informed the same to her husband, her husband wanted her to adjust with his brother Senthilkumar. Then, at the instigation of Senthilkumar, petitioner's husband and his parents started harassing her demanding dowry. In the meanwhile, petitioner gave birth to a female child on 15.07.2013. The family members of her husband started to treat her as a servant and when she was pregnant for the second time, her husband brought her to her parents home and thereafter, her husband and family members did not allow her to join with her husband. In 2017, she gave a complaint against her husband and family members. That complaint was not registered for the reason that her husband's brother Senthilkumar is working in Police department. Then, she gave a complaint to the Superintendent of Police, Dharmapuri District in 2018 to rejoin her with her husband, but no action was taken. She delivered second female child on 17.10.2018. In 2021, her



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husband married another women Sandhya. In spite of giving several complaints against her husband and his family members for the dowry harassment and cruelty, no action was taken by the Police. Therefore, she gave a complaint to the Chief Minister of Tamil Nadu and other police officials on 12.12.2022. It evoked no response and therefore, she filed this petition.

3.The learned Government Advocate (Crl.Side) submitted that during the course of enquiry, it was found that petitioner is living with one Sasikumar S/o.Madhaiyan and that her husband produced a letter alleged to have been written by the petitioner stating that since she intends to take action through Court, no action is required on the basis of the complaint. On that basis, further action was dropped on the complaint dated 12.12.2022.

4.The learned counsel for the petitioner replied that petitioner has not given any such letter and she is also not living with Sasikumar. The allegations submitted in this regard are totally false.



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5.It is seen from the records produced that, petitioner has not given the complaint to the Jurisdictional Police, but straight away gave the complaint to the Chief Minister of Tamil Nadu, Superintendent of Police and Deputy Superintendent of Police, Dharmapuri. She should have filed the complaint before the Jurisdictional Police.

6.Considering the nature of the allegations and submissions made by the learned counsel appearing for the parties, this Court directs the petitioner to give complaint before the Jurisdictional Police Station. On giving such complaint, the Station House Officer of the Jurisdictional Police Station is directed to register the FIR if cognizable offence is made out, else pass further orders in the manner known to law.

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

16.06.2023

Internet :Yes
Index :Yes/No
sli



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To:

- 1.The Superintendent of Police,
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O/o. Superintendent of Police,
Dharmapuri.
- 2.The Deputy Superintendent of Police,
Pappireddipatti Range,
Dharmapuri District.
- 3.The Inspector of Police,
All Women Police Station,
Harur, Dharmapuri District.
- 4.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN, J.
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