



WEB COPY



W.P.No.2124 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

W.P.No.2124 of 2023

Sofia Sultana

... Petitioner

Vs.

1.Assistant Commissioner of Police,
Old Municipality Building,
1st Floor, Avadi,
Chennai – 600 054.

2.The Inspector of Police,
T-1 Police Station,
Ambattur,
Chennai.

3.Shaik Azharuddin

... Respondents

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the 1st and 2nd respondents to register and to investigate upon my complaint sent on 29.01.2022 and 03.02.2022 to the 1st and 2nd respondents as per the provisions of the Muslim Women (Protection of Rights on Marriage) Act, 2019 against the 3rd respondent and to register a case.

For Petitioner
For R1 & R2

: Ms.Kanimozhi Mathi
: Mr.S.Santhosh,
Government Advocate (Crl.Side)



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ORDER

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The Writ Petition has been filed to direct the respondents 1 and 2 to register and to investigate upon the petitioner's complaints sent on 29.01.2022 and 03.02.2022 to the respondents 1 and 2, as per the provisions of the Muslim Women (Protection of Rights on Marriage) Act, 2019, against the third respondent.

2.The learned counsel for the petitioner submitted that as per Section 4 of the Muslim Women (Protection of Rights on Marriage) Act, 2019 (in short 'the Act'), if any Muslim husband pronounces Talaq upon his wife, as referred to in Section 3 of the Act, he is punishable with imprisonment for a term which may extend up to three years and is also liable to fine. He further submitted that as per the scheme of the Act, pronouncement of Talaq by a Muslim husband upon his wife either by words spoken or written or in any electronic form or in any other manner whatsoever is void and illegal. Without following the procedure for pronouncement of Talaq, petitioner's husband has pronounced Talaq by sending two letters on 08.11.2021 and 13.11.2022. Therefore, he is liable to be prosecuted for committing offence under Section 4 of the Act. In



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this regard, the petitioner has sent complaints dated 29.01.2022 and 03.02.2022. Since no action was taken by the respondents on the basis of the said complaints, this writ petition is filed.

3.The learned Government Advocate (Crl.Side) appearing for the respondents 1 and 2 submitted that the second respondent has not received any complaint. Therefore, if a fresh complaint is given, appropriate action would be taken.

4.Recording the above submission, this Writ Petition is disposed of, giving direction to the petitioner to give a fresh complaint to the second respondent. On giving such a complaint, the second respondent is directed to take appropriate action in the manner known to law. No costs.

27.01.2023

Internet:Yes/No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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G.CHANDRASEKHARAN,J.

sp

To

- 1.The Assistant Commissioner of Police,
Old Municipality Building,
1st Floor, Avadi,
Chennai – 600 054.
- 2.The Inspector of Police,
T-1 Police Station,
Ambattur,
Chennai.
- 3.The Public Prosecutor,
High Court of Madras.

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27.01.2023