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Crl.O.P.No.2317 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.2317 of 2023

G.Kalaiyarasi

... Petitioner

/vs/

1. S.Purushothaman

2. The Inspector of Police,
Gudiyatham Town Police Station,
Gudiyatham Taluk,
Vellore District.

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C., to direct the 2nd respondent to register the FIR based on the complaint dated 07.03.2022 lodged by the petitioner, in pursuance of the order dated 30.09.2022 passed in Crl.M.P.No.1843 of 2022 by the learned Judicial Magistrate, Gudiyatham, Vellore District.

For Petitioner

... M/s.S.P.Arthi

For Respondent

... Mr.S.Santhosh (For R2)

Government Advocate (crl.side)



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ORDER

This Criminal Original Petition has been filed seeking for a direction to the 2nd respondent to register the FIR based on the complaint dated 07.03.2022 lodged by the petitioner, in pursuance of the order dated 30.09.2022 passed in Crl.M.P.No.1843 of 2022 by the learned Judicial Magistrate, Gudiyatham, Vellore District.

2. The learned counsel for the petitioner submitted that petitioner filed a complaint under Section 156(3) of Cr.P.C before the learned Judicial Magistrate, Gudiyatham in Crl.M.P.No.1843 of 2022 seeking direction for registration of FIR against the accused for the offence under Sections 147, 148, 364, 376A, 294(b), 323, 324, 506(ii) and 307 of IPC read with Section 4 of TNPHW Act. The learned Judicial Magistrate passed an order on 30.09.2022 directing the Inspector of Police, Gudiyatham Town Police Station to conduct preliminary enquiry as per the Judgment rendered by Hon'ble Supreme Court of India in ***Lalita Kumari Vs. State of Uttar Pradesh 2014(2) SCC*** and register the case, if cognizable offence is made out and investigate the case in accordance with law.



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3. The learned counsel for the petitioner further submitted that, even after the order passed by the learned Judicial Magistrate, Gudiyatham, respondent police had not registered the First Information Report in this case, necessitating the filing of this petition,

4. In response, learned Government Advocate (Crl. Side) submitted that, based on the direction of the learned Judicial Magistrate, Gudiyatham, enquiry was conducted and enquiry revealed that there is misunderstanding between the petitioner and her husband. Petitioner's husband Purushothaman is a Government Servant and with a view to give trouble to him and to remove him from Government Service, a false case was given. Therefore, the complaint was closed as mistake of fact.

5. In the light of the submissions made by the learned Government Advocate (Crl. Side), this Court is of the view that, no order is to be passed in this petition.

6. Accordingly, this Criminal Original Petition is dismissed.



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However, liberty is granted to the petitioner to challenge the report filed by the respondent police in the manner known to law.

06.02.2023

Index: Yes/No
Internet: Yes/No
Speaking/Non speaking order
Sma

To

1. The Inspector of Police,
Gudiyatham Town Police Station,
Gudiyatham Taluk,
Vellore District.
2. The Public Prosecutor,
High Court, Madras.

G.CHANDRASEKHARAN, J.



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