



WEB COPY



Crl.OP.No.3807 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.3807 of 2023

S.Sankar Ganesh

... Petitioner

Vs.

State by
The Inspector of Police,
All Women Police Station,
Namakkal.

... Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondent police to register FIR based on the complaint given by the petitioner on 05.01.2022 and in the compliance of the order passed in Crl.M.P.No.773 of 2022 dated 01.08.2022.

For Petitioner

: Mr.M.Jaikumar

For Respondent

: Mr.S.Santhosh
Government Advocate(Crl.side)



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ORDER

This Criminal Original Petition has been filed to direct the respondent police to register FIR based on the complaint given by the petitioner on 05.01.2022 and in the compliance of the order passed in Crl.M.P.No.773 of 2022 dated 01.08.2022.

2. The learned counsel for the petitioner submitted that petitioner married one Sandarya on 27.08.2015. He spent huge money for the marriage and also for educating his wife Sondarya. The defacto complainant/Soundarya filed H.M.O.P.No.148 of 2019 seeking divorce and it is pending. During the subsistence of the marriage, she married one Venkatesh and delivered a baby through him. Therefore, petitioner gave a private complaint before the Judicial Magistrate Additional Mahila Court, Namakkal and it was taken on file in Crl.M.P.No.773 of 2022 on 01.08.2022, wherein the learned Magistrate directed the respondent police to conduct preliminary enquiry and submit a report. The respondent police without properly conducting the enquiry filed a report of dropping further action in the matter for the reason that the petitioner had not produced any material in support of the marriage between his wife



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Soundarya and Venkatesh. On other hand, petitioner produced Birth Certificate of the Child born to Soundarya and Venkatesh.

3. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that, petitioner had not produced any document in support of the marriage between Soundarya and Venkatesh. Therefore, further action was dropped.

5. On going through the records, this Court finds that there is a prima facie material available with regard to the child born to Soundarya and Venkatesh.

6. Therefore, this Criminal Original Petition is disposed giving liberty to the petitioner to challenge the report filed by the respondent before learned Judicial Magistrate Additional Mahila Court, Namakkal. On such filing of the petition, learned Magistrate is directed to dispose the petition on merits and in accordance with law.

22.02.2023

Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order



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G.CHANDRASEKHARAN,J.

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To

1. Judicial Magistrate Additional Mahila Court,
Namakkal
2. The Inspector of Police,
All Women Police Station,
Namakkal.
- 3.The Public Prosecutor,
High Court of Madras, Chennai.

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