



WEB COPY



Crl.O.P.No.8157 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

Crl.O.P.No.8157 of 2024

S.Palanivel

... Petitioner

Vs.

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

2.The Inspector of Police,
Karipatti Police Station,
Karipatti,
Salem District.

2.Revathi

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleased to direct the 2nd respondent to register a case on the basis of the complaint dated 12.08.2022 by following the order in CMP.No.534/2023 (Online CMP.No.43/2023) of the District Munsif cum Judicial Magistrate Court, Vazhappadi dated 17.10.2023.

For Petitioner : Mr.D.Ashokkumar

For R1 & R2 : Mr.S.Udayakumar
Government Advocate (Crl.Side)

ORDER



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This Criminal Original Petition is filed to register a case on the basis of the complaint dated 12.08.2022 by following the order in CMP.No.534/2023 (Online CMP.No.43/2023) of the District Munsif cum Judicial Magistrate Court, Vazhappadi dated 17.10.2023.

2. The grievance of the petitioner is that, he made a complaint through the District Munsif cum Judicial Magistrate, Vazhappadi to enquire into the matter relating to misappropriation of his amount and property by his own wife. The Judicial Magistrate directed the police to conduct preliminary enquiry and proceed, however, till date no FIR has been filed. Therefore, the present petition is filed for registering the FIR based on the complaint dated 12.08.2022 following the order passed by the District Munsif cum Judicial Magistrate Court, Vazhappadi vide order dated 17.10.2023.

3. The learned Government Advocate (Crl.Side) appearing for the respondent police submits that in reverence to the order passed by the District Munsif cum Judicial Magistrate Court, Vazhappadi, enquiry was conducted. The wife of the petitioner was examined and her statement recorded, wherein, it is found that the belongings of the petitioner was kept in one room and locked. In the remaining portion, she is residing.



Crl.O.P.No.8157 of 2024

4. Since the husband and wife are loggerheads, this complaint

has been filed and the dispute cannot be resolved through police station.

However, this Court finds that the said finding of the enquiry neither intimated to the District Munsif cum Judicial Magistrate Court, Vazhappadi as directed them to conduct preliminary enquiry nor informing the petitioner herein. Had they inform the Magistrate as well as the petitioner herein about the out come of the preliminary enquiry, he would have sought redressal in the manner known to law. Since the report is not available, he approached this Court.

5. Considering the facts and circumstances, the 2nd respondent police is directed to forward the enquiry report to the District Munsif cum Judicial Magistrate Court, Vazhappadi within 7 days from today, copies also to be served to the petitioner to work out the remedy sought. In view of the above, this Criminal Original Petition is disposed of.

03.04.2024

Index : Yes/No

Neutral Citation : Yes/No

rpl

Note : Issue Today

Dr.G.JAYACHANDRAN,J.



Crl.O.P.No.8157 of 2024

rpl

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

2.The Inspector of Police,
Karipatti Police Station,
Karipatti,
Salem District.

3.The Public Prosecutor,
High Court of Madras,
Chennai.

Crl.O.P.No.8157 of 2024

03.04.2024