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W.P.No.20213 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.20213 of 2024

A.P.Monika.

... Petitioner

/versus/

1. The Commissioner of Police,
O/o.The Commissioner of Police,
No.132, EVK Sampath Road,
Vepery, Periyamet,
Chennai – 600 007.

2. The Inspector of Police,
H-8, Thiruvotriyur Police Station,
Thiruvotriyur, Chennai – 600 019.

3. P.Shiyal.
S/o.Late. Purushothaman.

4. Mirudhula.
W/o.Late. Purushothaman.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue Writ of Mandamus directing the respondents 1 and 2 to consider the representation dated 18.05.2024 and pass orders.

For Petitioner : Mr.R.Arun Kumar

For R1 & R2 : Mr.K.M.D.Muhilan,
Government Advocate (Crl.Side)



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ORDER

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The petitioner has given a representation to the Commissioner of Police on 18.05.2024 alleging that one Shiyal S/o.Purshothaman resident of Kerala came in contact with her family when parents of the petitioner were looking for groom. During the month of September 2023, the family members of Shiyal came to the house of the petitioner and betrothal was conducted on 18.10.2023. For the marriage, a demand of 50 sovereigns and Rs.5 lakhs as dowry was made and it was agreed that marriage and marriage reception will be held at Thiruvotriyur and expenses should be borne out by the petitioner's parents. Accepting the demand, marriage hall was booked for 12.05.2024 and for the marriage arrangement, the parents of the petitioner spend around Rs.2,90,000/-. In the mean while, since she had been engaged with said Shiyal, they were frequently contacting over phone and went together to places like beach and cinema theatre. Shiyal used to demand money frequently which the petitioner obliged, believing that, he is her future husband. However, when Shiyal suddenly demanded Rs.5 lakhs urgently but she was not able to arrange it. Shiyal stopped contacting her and later found that he had an affair with another girl and his intention was to extract money from her and run away. The marriage was stopped without any intimation and for loss and cheating, sought for action against P.Shiyal.



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2. The present writ petition is filed seeking mandamus to direct the respondent police to act upon the complaint.

3. The Learned Government Advocate (Crl.Side) for the respondent submits that on the representation received from the petitioner, the petitioner and Shiyal were called and enquired. It was found that due to some misunderstanding during negotiation of the marriage arrangements, the marriage proposed to be conducted on 12.05.2024, was cancelled and apart from the details regarding the misunderstanding in get through the marriage, there is no other adverse material collected against Shiyal and therefore, the parties were advised to work out their remedy before the appropriate civil forum.

4. The Learned Counsel for the petitioner submits that the complaint cannot be closed without registering the F.I.R since case of cheating been clearly made out.

5. This Court, on perusing the records and the averments made against the said Shiyal as well as whatsapp message between them till October 2017, find that the petitioner and Shiyal been communicating to each other



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cordially. The marriage hall also been booked. There had been some misunderstanding subsequently which has led to stoppage of marriage, after printing the marriage invitation. The sudden stoppage of marriage after engagement and other ceremonies happens in the life of some unlucky person, but criminal colour cannot be given to this case unless and until specific material is available for cheating or any other cognizable offence.

6. In this case, the police has found no ingredient to take cognizance of any commission of offence. Therefore, they have closed the complaint instructing the petitioner to work out her remedy before Civil forum. This Court finds no error in the said decision of the police. If the petitioner is aggrieved in any manner, it is open to her to get redressal before the civil forum. Criminal prosecution cannot be initiated just because her marriage stopped after betrothal (engagement).

7. Accordingly, this Writ Petition stands dismissed. No costs.



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Index : Yes/No

Neutral Citation : Yes/No

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To:

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O/o.The Commissioner of Police,
No.132, EVK Sampath Road,
Vepery, Periyamet,
Chennai – 600 007.

2. The Inspector of Police,
H-8, Thiruvotriyur Police Station,
Thiruvotriyur, Chennai – 600 019.

3. The Public Prosecutor, High Court, Madras.

Dr.G.JAYACHANDRAN,J.

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