

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.08.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.19233 of 2015

and MP.No.1 of 2015

Sanjay Kumar Rath

... Petitioner

Vs

1.The Commissioner of Police,
Greater Chennai.

2.The Joint Commissioner of Police,
St. Thomas Mount, Chennai.

3.The Deputy Commissioner of Police,
Tambaram, Chennai.

4.The Assistant Commissioner of Police,
Tambaram, Chennai.

5.The Inspector of Police,
S11, Tambaram Police Station.

6.The Inspector of Police,
All Women Police Station,
Tambaram, Chennai.

... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C.,
praying to direct the respondents not to harass the petitioner on the
repeated false, frivolous and vexatious complaints of enraged wife
Mrs.Sheela.

For Petitioner : Mr.V.Vijayakumar
For Respondents : Mr.C.Emalias, Addl. Public Prosecutor
: Mr.Lakshmi Narayanan for
Mr.A.Sundaravadhanam for
Defacto Complainant

O R D E R

This petition has been filed to direct the respondents not to harass the petitioner on the repeated false, frivolous and vexatious complaints lodged by his wife Mrs.Sheela.

2. Heard Mr.V.Vijayakumar, learned counsel for the petitioner; Mr.Lakshmi Narayanan appearing for the de facto complainant; the learned Additional Public Prosecutor appearing for the respondents and perused the materials placed on record.

3. The de facto complainant is the wife of the petitioner and they have been having matrimonial problems for quite sometime. The de facto complainant has launched Domestic Violence proceedings, which is pending in DV.No.33 of 2013 before the learned Judicial Magistrate, Tambaram. An interim order was passed in her favour by the learned Judicial Magistrate, Tambaram in CMP.No.18567 of 2013 in DV.No.33 of 2013 on 26.12.2013 which was vacated by this Court by order dated 11.06.2015 in CrI.OP.No.1379 of 2014.

4. Thereafter, the de facto complainant has lodged a complaint on 20.06.2015 for which, the respondent police registered a case on 24.06.2015 in crime No.2068 of 2015 for offences under Section 294[b] IPC read with Section 4 of Tamil Nadu Prohibition of Harassment Women Act.

5. Mr.Lakshmi Narayanan, learned counsel appearing for the de facto complainant submitted that the de facto complainant had earlier given several complaints including the one on 25.03.2015, in respect of the alleged assault by the petitioner on the de facto complainant.

6. The de facto complainant even in the FIR in crime No.2068 of 2015 has stated that she has being given series of complaints against the petitioner and only CSR were being issued by the police.

7. Mr.Lakshmi Narayanan further submitted that this petitioner is related to a Principal Secretary to the Government and he is bringing undue influence on the police, so that no action is taken against him.

8. May be the petitioner is related to the Principal Secretary to Government as contended by the learned counsel for the de facto complainant, yet on reading of the complaint in FIR No.2068 of 2015, I am unable to persuade myself to believe that the Principal Secretary is influencing the investigation and protecting the petitioner, inasmuch as, the complaint in crime No.2068 of 2015 is so vague and does not even give any material particulars for registration of a FIR, despite which, the police have registered an FIR. If the Principal Secretary is influencing the police as alleged

by the de facto complainant, such a vague FIR would never have got registered.

9. It is easy to throw such allegations against officers and others in high places. But, this Court should be very circumspect in giving a finding on all these aspects. The respondent police is directed to conduct enquiry and the petitioner shall co-operate in the enquiry and during enquiry, the petitioner shall not be unnecessarily harassed.

With the above observation, this petition is closed. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

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To

1.The Commissioner of Police,
Greater Chennai.

2.The Joint Commissioner of Police,
St. Thomas Mount, Chennai.

3.The Deputy Commissioner of Police,
Tambaram, Chennai.

4.The Assistant Commissioner of Police,
Tambaram, Chennai.

5.The Inspector of Police,
S11, Tambaram Police Station.

6.The Inspector of Police,
All Women Police Station,
Tambaram, Chennai.

7.The Public Prosecutor,
High Court, Madras.

+1 cc to M/S.Span Associates Advocate sr.43061

+1 cc to Mr.A.SundaraRathanam, Advocate sr.43589

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