

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Crl.O.P.No.29160 of 2015

M.Rayees Ahmed

... Petitioner/Accused

Vs

State rep. By

The Inspector of Police,
All Women Police Station,
Ambur.

... Respondent/Complainant

Criminal Original Petition filed under Section 482 Cr.P.C. seeking to direct the respondent police not to harass the petitioner, pending investigation in Crime Number not known of 2015 on the file of the Inspector of Police, All Women Police Station, Ambur.

For Petitioner : Mr.C.V.Kumar

For Respondent : Mr.C.Emalias,
Addl. Public Prosecutor.

O R D E R

The present Criminal Original Petition has been filed seeking a direction to the respondent police not to harass the petitioner, pending investigation in Crime Number not known of 2015 on the file of the Inspector of Police, All Women Police Station, Ambur.

2. In the petition, it is stated that the petitioner married one Farhana Banu on 17.09.2011 at Ambur as per Muslim Law and they have no issues. According to the petitioner, though he requested his wife to come to Billroth Hospital for medical test and elders also advised her for the same, she refused to come there and henceforth, misunderstanding arose between them. The petitioner's wife left the petitioner and went to her parents' house and even after six months, she refused to return. Hence, having no other alternative, the petitioner pronounced talaq on 18.11.2014 and thereby, their

marriage was dissolved and notice was also sent to his wife. Also, the mehar amount was sent to his wife. Thereafter, the petitioner filed a suit before the Principal District Munsif, Ambur in O.S.No.169 of 2014 and the Court, by an order dated 01.10.2015 declared the talaq given by the petitioner as legally valid.

3. The grievance of the petitioner is that his wife, in order to harass him, is continuously preferring complaint before the respondent police and the respondent police is asking the petitioner to come for an enquiry daily and as such he could not concentrate in his work. Hence, unable to tolerate the mental agony, the petitioner has come up with this petition seeking a direction to the respondent police not to harass him, pending investigation in Crime Number not known of 2015.

4. Learned Additional Public Prosecutor submitted that petition enquiry is pending in this matter.

5. In view of the said submission, this Court is constrained to pass the following order:

(i) The petitioner is directed to cooperate for enquiry with the respondent police.

(ii) The respondent is directed to conduct enquiry in accordance with law, without causing any harassment to the petitioner.

This Criminal Original Petition is disposed of with the above direction.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To :

1. The Inspector of Police,
All Women Police Station, Ambur.
2. The Public Prosecutor, High Court, Madras.

+1 cc to Mr.C.V.Kumar Advocate sr.65904

Cr1.O.P.No.29160 of 2015

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