



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2015

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

Crl.O.P.(MD)No.15005 of 2015

1.Dinakararaja
2.R.Jeyapaul
3.Jeyam Mery
4.Kanagarani
5.Ruby

... Petitioners

Vs.

The Inspector of Police,
Devathanapatty Police Station,
Theni District.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure to direct the respondent not to harass the petitioners to insist the petitioners to hand over the custody of the first petitioner's children namely Sam @ Rohit, Jutha in pursuant to the ex-parte order passed in Cr.M.P.No.2744 of 2015 on the file of the learned District Munsif cum Judicial Magistrate, Dindigul.

For Petitioners : Mr.V.Sasikumar

For Respondents : Mrs.S.Prabha

Government Advocate (Crl. side)

ORDER

This Criminal Original Petition is filed to direct the respondent not to harass the petitioners to insist the petitioners to hand over the custody of the first petitioner's children namely Sam @ Rohit, Jutha in pursuant to the ex-parte order passed in Cr.M.P.No.2744 of 2015 on the file of the learned District Munsif cum Judicial Magistrate, Dindigul.

2.Heard the learned counsel for the petitioners and the learned Government Advocate(Crl. Side) for the State and perused the records carefully.

3. The present Criminal Original Petition filed by the petitioners is misconceived and the petitioners will have to work out their remedy by filing appropriate petition to set side the order passed by the learned District Munsif cum Judicial Magistrate, Dindigul in Cr.M.P.No.2744 of 2015.

4. However, considering the submission made by the learned counsel for the petitioners that the mother of the children is said to be mentally outraged and the order having been passed on 28.07.2015, a direction is issued to the respondents not to interfere with the custody of the minor children of the first petitioner, for a period of two weeks so as to enable the petitioners to file an appropriate application before the learned District Munsif cum Judicial Magistrate, Dindigul.



5. With the above observations, this Criminal Original Petition is disposed of.

WEB COPY

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The District Munsif cum Judicial Magistrate,
Dindigul.

2.The Inspector of Police,
Devathanapatty Police Station,
Theni District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/S. V.SASI KUMAR, Advocate in SR.No 43104

TS/31.07.2015/2P - 5C

Cr1.O.P. (MD) No.15005 of 2015

31.07.2015