

THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.10.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Criminal Original Petition No.23285 of 2016
& Crl.M.P.No.10893 of 2016
and
Criminal Original Petition No.23286 of 2016

1.J.Sevugarajan
2.M.Jayaraman

... Petitioners in both Crl.O.Ps

-Versus-

The State Rep. by
The Inspector of Police,
Magudanchavadi Police Station,
Salem District.

... Respondent in Crl.O.Ps

Prayer in Crl.O.P.No.23285 of 2016:- Petition filed under Section 482 of Cr.P.C. praying to call for the entire records relating to the case in CSR No.274 of 2016 dated 08.10.2016 registered against the petitioner and his family members by the file of the respondent police and to quash the said CSR.

Prayer in Crl.O.P.No.23286 of 2016:- Petition filed under Section 482 of Cr.P.C. praying to direct the respondent police not to harass the petitioner and his family members based on the false complaint lodged by Mrs.Deivamani @ Nalini.

For Petitioner(s) : Mr.K.Poomalai
for petitioners in
both Crl.O.Ps.

For Respondent : Mr.C.Emalias,
Additional Public Prosecutor
in both Crl.O.Ps.

COMMON ORDER

On the complaint lodged by Deivamani @ Nalini, the respondent police are conducting inquiry in CSR No.274 of 2016 and they called the petitioner for inquiry.

2. It is the case of Deivamani @ Nalini that she got married to Sevugarajan, the 1st petitioner and their marriage ran into rough weather resulting in parties getting estranged.

3. The learned counsel for the petitioners submitted that earlier Deivamani @ Nalini had given similar complaints to the police and that by each time, the petitioners were called for inquiry and it was found that Deivamani @ Nalini had made unfounded allegations. In fact, the 1st petitioner had even filed petitions in CrI.M.P.No.2829 of 2016 and CrI.M.P.No.3151 of 2016 before the Principal Sessions Judge, Salem, seeking anticipatory mentioning the crime number as "Not Known" and those petitions were closed based on instructions given by the police to the Public Prosecutor that there was no CSR or FIR pending.

4. Today, Mr.P.Kuppu, Special Sub Inspector of Police, Magudanchavadi Police Station is present in court.

5. On instructions, the learned Additional Public Prosecutor submitted that Deivamani @ Nalini has now lodged a complaint dated 08.10.2016 and the petition inquiry is being conducted by the respondent police in CSR No.274 of 2016. A petition inquiry in CSR cannot be quashed as that is the minimum, the police is required to do, when a complaint is given.

6. Under such circumstances, the petitioners are directed to cooperate with the respondent police during inquiry being conducted by the respondent police on the complaint given by Deivamani @ Nalini and that the respondent police shall not in any manner harass the petitioners during such petition inquiry. The respondent police shall complete the petition inquiry within a period of four weeks from the date of receipt of a copy of this order.

7. In the result, both the criminal original petitions are closed with the above directions. Consequently, connected MP is closed.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

kmk

To

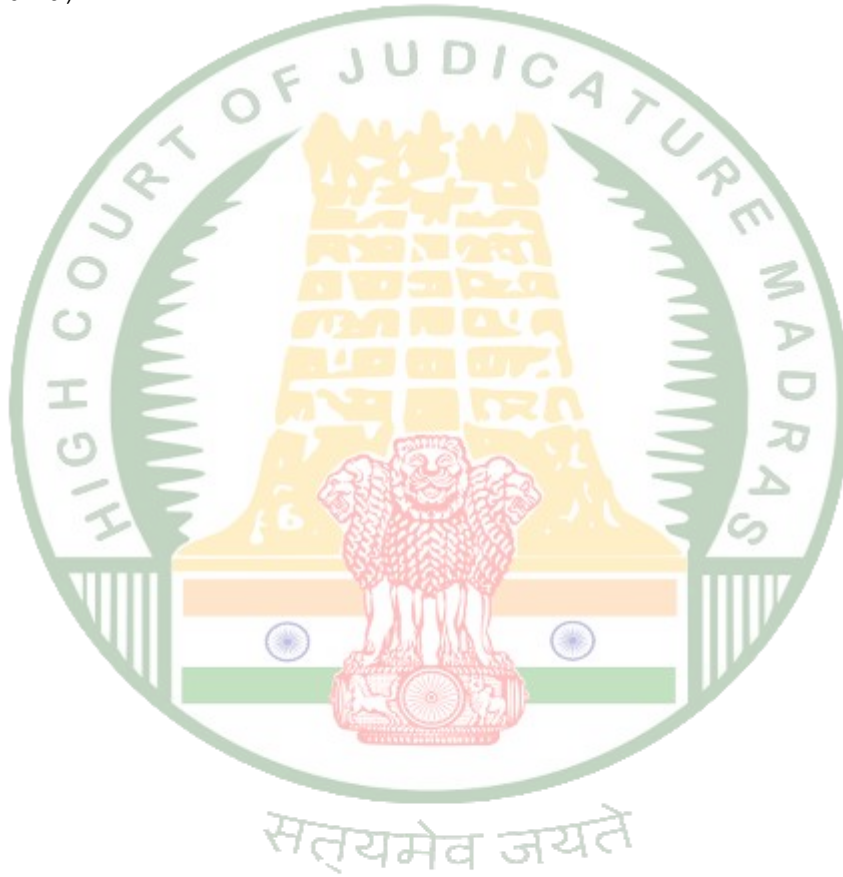
1.The Inspector of Police,
Magudanchavadi Police Station,
Salem District.

2.The Public Prosecutor,
High Court, Madras.

+4cc's to Mr.K.Poomalai, Advocate, S.R.Nos.59993 & 59992

Criminal Original Petitions
Nos.23285 & 23286 of 2016

CA(CO)
CA(21/11/2016)



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