



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2017

CORAM

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THE HON'BLE MR.JUSTICE S.S.SUNDAR

Crl.O.P.(MD) No.10035 of 2017

Muthukumar

... Petitioner

-Vs-

1.The Superintendent of Police,
Thoothukudi,
Thoothukudi District.

2.The Inspector of Police,
All Women Police Station,
Kovilpatti,
Thoothukudi District.

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the second respondent police not to harass the petitioner and his parents under the guise of enquiry, without following the due process of law.

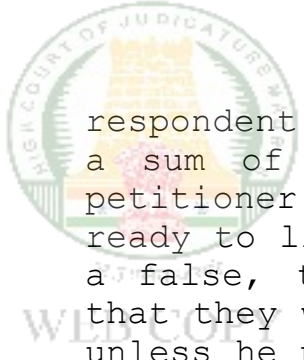
For Petitioner : Mr.C. Christopher
For respondents : Mr. K. Anbarasan
Government Advocate (Crl. Side)

O R D E R

This Criminal Original petition is filed to direct the second respondent police not to harass the petitioner and his parents under the guise of enquiry, without following the due process of law.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondents.

3. The learned counsel appearing for the petitioner states that the petitioner's wife has filed a petition under Domestic Violence Act in DVA.No.6 of 2017, before the learned Judicial Magistrate, Kovilpatti. However, the matter was referred to Mediation and the second respondent called the petitioner over phone for enquiry. It is further stated that when the petitioner was called for enquiry by the second respondent Police, the second



respondent insisted the petitioner to settle the dispute by paying a sum of Rs.5,00,000/- as compensation to his wife. When the petitioner replied to the second respondent police that he is ready to live with his wife and the complaint given by his wife is a false, the second respondent Police threatened the petitioner that they will file FIR implicating the petitioner in false case, unless he pays a sum of Rs.3,00,000/- as compensation to his wife. The petitioner has not even impleaded his wife in the present proceedings. The fact that the petitioner's wife has given a complaint and that she has filed a petition before the learned Judicial Magistrate is not in dispute. Only in connection with the complaint, the petitioner was called for enquiry. The complaint received against the petitioner / husband was registered in Crime No.13 of 2017.

4. In the said circumstances, when the enquiry was conducted by the second respondent in connection with the complaint registered, this Court has no reason to issue a direction to the respondent not to harass the petitioner. However, taking into account the Judgment of the Hon'ble Supreme Court and the direction of this Court in several cases, the second respondent is directed to conduct an enquiry only in accordance with law. If the petitioner's presence is required for enquiry, it shall be done only after issuing summons to the petitioner and in the manner known to law. There cannot be and need not be any harassment by police when complaints relating to matrimonial disputes.

5. With the above observation, the Criminal Original Petition is closed.

Sd/-

Assistant Registrar (CS-III)

/True copy/

Sub Assistant Registrar

To

- 1.The Superintendent of Police,
Thoothukudi, Thoothukudi District.
- 2.The Inspector of Police,
All Women Police Station,
Kovilpatti, Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

TRP

PSM/JC/SAR4/17.08.2017/2P/4C