



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P.(MD)No.10866 of 2017

WEB COPY

S.Kallimuthu

... Petitioner

-Vs-

1.The Inspector of Police,
All Women Police Station,
Vadamadurai,
Dindigul District.

2.K.Muthuselvi

... Respondents

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the respondents not to harass the petitioner and his family members under the guise of enquiry.

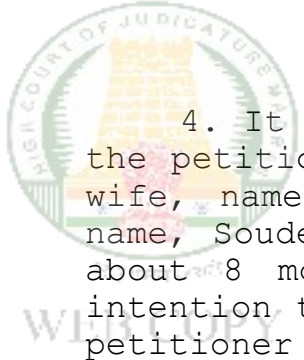
For Petitioner : Mr.B.Vinoth Balan
For R-1 : Mr.K.Anbarasan,
Government Advocate(Crl. Side).

O R D E R

This Criminal Original petition is filed seeking a direction to the respondents not to harass the petitioner and his family members under the guise of enquiry.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Criminal side) appearing for the first respondent.

3. The learned counsel for the petitioner submitted that a complaint was given by his wife/second respondent herein, as if the petitioner sold one of his daughters to a distant relative. It is further stated that under the guise of enquiring into the said complaint, the petitioner is being put to harassment by the respondent police. The learned counsel for the petitioner came with an explanation stating that the daughter of the petitioner was given to a distant relative of the petitioner, by name, Duraisamy, pursuant to the order of this Court in H.C.P.No.346 of 2016, in the presence of the second respondent. He further stated that the daughter of the petitioner was with the second respondent and as the second respondent expressed her unwillingness to have custody of the child on the ground of inability and poverty, it was with the consent of the second respondent, the custody of the child was given to Duraisamy. He also produced a copy of the order passed in H.C.P.No.346 of 2016, dated 08.06.2016.



4. It is seen that the said Habeas Corpus petition was filed by the petitioner for producing the person or body of the petitioner's wife, namely, the second respondent herein and two daughters, by name, Soudeeshwari, who aged about 11 years and Pothumani, who aged about 8 months. Since the wife of the petitioner expressed her intention to go with the petitioner along with the children and the petitioner also was willing to take his wife and children the petition was closed. The said Habeas Corpus petition is not relating to the custody of child that was given to the said Duraisamy.

5. Since the petitioner has come forward with a false case, this Court is not inclined to entertain this petition. Hence, the Criminal Original petition is dismissed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
All Women Police Station,
Vadamadurai,
Dindigul District.

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

PMU

JS/GT/SAR.1/30.08.2017/2P-3C

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