

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 09.10.2017****CORAM:****THE HONOURABLE MR. JUSTICE S.S.SUNDAR****CRL.O.P. (MD) No.13588 of 2017****WEB COPY**

A.Vinoth

: Petitioner

-Vs-

1.The Superintendent of Police,
Office of the Superintendent of Police,
Ramanathapuram District.

2.The Additional Superintendent of Police,
Prohibition Wing,
Ramanathapuram District.

3.The Inspector of Police,
All Women Police Station,
Ramanathapuram.

: Respondents

PRAYER: Criminal Original petition filed under Section 482 of Criminal Procedure Code, to direct the respondents 2 and 3 not to harass the petitioner and his family members without any legally sustainable complaint and to abide by the guidelines in D.K.Basu Case in 1997 (1) SCC 416.

For Petitioner

: Mr.R.Venkatesan

For Respondent Nos.1

to 3 : Mr.K.S. Duraipandian

Additional Public Prosecutor.

O R D E R

This Criminal Original Petition is filed for issuing a direction to the respondents 2 and 3 not to harass the petitioner and his family members.

2. The petitioner is the husband. It appears that the petitioner's wife has given a complaint earlier making serious allegations against the petitioner and his family members. When the earlier complaint lodged by the petitioner's wife was referred to District Social Welfare Officer, Ramanathapuram, an enquiry was conducted and by proceeding dated 12.05.2017, the District Social Welfare Officer has found that there is no dowry harassment as the main grievance of the wife is that her husband should take her for separate living and that the petitioner is not employed. The petitioner states that his wife has given a second complaint making the same allegations and that the respondents 2 and 3 are harassing the petitioner and his family members.



3. The learned Additional Public Prosecutor appearing for the first respondent, however, on instructions submitted that the petitioner's wife seek only re-union and that therefore, there is no harassment as such.

4. Having regard to the fact that the earlier complaint lodged by the petitioner's wife had already been dealt with by the District Social Welfare Officer, Ramanathapuram, there is no reason for harassing the petitioner for dowry harassment. If the complaint of the petitioner's wife disclose any cognizable offence regarding dowry harassment, the same can be dealt with in the manner known to law. However, the petitioner and his family members need not be harassed under the guise of enquiry. Even if the appearance of the petitioner or his family members is required for any enquiry, the same shall also be done only by issuing a summons in the manner known to law. Further the respondents shall follow the directions and guidelines in D.K.Basu Case in 1997 (1) SCC 416.

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

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

- 1.The Superintendant of Police,
Office of the Superintendant of Police,
Ramanathapuram District.
- 2.The Additional Superintendant of Police,
Prohibition Wing,
Ramanathapuram District.
- 3.The Inspector of Police,
All Women Police Station,
Ramanathapuram.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.R.Venkatesan, Advocate SR.No.82182

TRP
VB/KK/SAR3/26/10/2017/2P/6C

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