



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P.(MD)No.15918 of 2017

Natchammai

... Petitioner

-Vs-

State represented by,

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

2. The Inspector of Police,
All Women Police Station,
Karaikudi, Sivagangai District.

... Respondents

3. Seetha ... 3rd Respondent/Defacto Complainant

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the second respondent not to harass the petitioner based on the enquiry.

For Petitioner

: Mr.S.Pakalavan

For R-1 & R-2

: Mr.K.S.Durai Pandiyan,
Additional Public Prosecutor.

O R D E R

This Criminal Original petition is filed for issuing a direction to the second respondent not to harass the petitioner based on the complaint alleged to have been lodged by the third respondent as against the petitioner.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for respondents 1 and 2.

3. The petitioner states that the third respondent has lodged a complaint before the second respondent complaining that the petitioner has married the husband of the third respondent. It is further stated that under the guise of enquiring into the complaint, the petitioner is being harassed and that therefore, a direction by the second respondent not to harass the petitioner will be in the interest of justice.



4. The petitioner specifically denies the allegation that she has married the husband of the third respondent. If the complaint discloses any cognizable offence, it is open to the second respondent to register the same and to proceed further in accordance with law. Since the dispute is purely personal and relates to moral conduct of individuals, unless the complaint discloses cognizable offence, it is not necessary to hold any enquiry and to harass the petitioner or any one. The second respondent shall not harass the petitioner. Even if the petitioner's appearance is required for any enquiry, the same can also be done only in the manner prescribed in law and as directed by the Hon'ble Supreme Court in the case of **D.K.Basu Vs. State of West Bengal**, reported in **AIR 1997 SC 610**.

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

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

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

PMU

JS/JC/SAR.4/7.12.2017/2P-4C

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