



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 13.04.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

Criminal Original Petition (MD) No.4371 of 2017

Vijaya Rajan

... Petitioner

Vs.

1.The Superintendent of Police,
Tirunelveli District.

2.The Deputy Superintendent of Police,
Vallioor,
Tirunelveli District.

3.The Inspector of Police,
All Women Police Station,
Vallioor,
Tirunelveli District.

4.Sindhuja

... Respondents

PRAYER:This petition is preferred under Section 482 Cr.P.C to direct the third respondent not to harass the petitioner and her family members in the guise of petition enquiry.

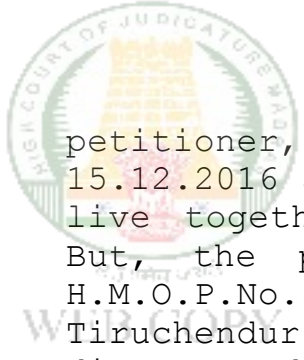
For Petitioner : Mr.M.M.Manivelpandian
For R-1 to R-3 : Mr.A.P.Balasubramani,
Government Advocate(Crl. Side)

ORDER

The petitioner approaches this Court with a prayer to direct the third respondent not to harass the petitioner and her family members under the guise of petition enquiry.

2. The grievance expressed by the petitioner is that based on the false complaint given by the fourth respondent/wife of the petitioner, the petitioner is being repeatedly summoned to the third respondent police station and he was put to hardship and harassment.

3. Per contra, the learned Government Advocate(Crl. Side) appearing for the State on instructions would submit that based on the complaint given by the fourth respondent/wife of the



petitioner, a complaint in C.S.R.No.330 of 2016 was registered on 15.12.2016 and both the parties appeared and assured that they will live together and based on which, the said C.S.R., was closed. But, the petitioner has gone back on his promise and filed H.M.O.P.No.81 of 2017 on the file of the Court of Sub-Court, Tiruchendur, Tuticorin District against the fourth respondent for divorce under Section 13(1)(ia) of the Hindu Marriage Act, 1955. It is the further submission of the learned Government Advocate(Crl. Side) that as and when a complaint is given by the fourth respondent, statutorily they are bound to enquire and take action in accordance with law and therefore, there cannot be any blanket order restraining them from discharging their statutory functions.

4. This Court heard the rival submissions and perused the materials available on record.

5. The petitioner apprehends arrest in the event of precipitative action being taken by the third respondent based on the complaint given by the fourth respondent. He is always at liberty to work out his remedy in accordance with law and filing of a petition for divorce may be a factor to be considered. It is also made clear that as and when, a complaint is given by the fourth respondent, the third respondent shall act strictly in accordance with law.

6. In the result, this Criminal Original Petition is closed subject to the above said observations.

SD

ASST REGISTRAR (CO)

TRUE COPY

SUB ASST REGISTRAR

pm

To

- 1.The Superintendent of Police, Tirunelveli District.
- 2.The Deputy Superintendent of Police,
Vallioor, Tirunelveli District.
- 3.The Inspector of Police, All Women Police Station,
Vallioor, Tirunelveli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

1CC TO MR. M. M. MANIVEL PANDIAN, ADVOCATE SR: 57970

KK SKN RSK SAR 4/3/5/2017

2P 6C

<https://hcservices.ecourts.gov.in/hcservices/>

Crl.O.P (MD) .No.4371 of 2017

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