

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :20.09.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.RAJAMANICKAM

Crl.OP.No.22640 of 2018

V.Kavitha

...Petitioner

Vs.

State Represented by:-

1. The Commissioner of Police,
Vepery,
Chennai.
2. The Inspector of Police,
V-7, Nolambur Police Station,
Chennai.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the respondents not to harass the petitioner.

For Petitioner : Mr.N.Praghasam

For Respondents : Ms.M.Prabhavathi

Additional Public Prosecutor

ORDER

This petition has been filed to direct the respondents not to harass the petitioner under the guise of enquiry.

2.The learned counsel for the petitioner has submitted that petitioner's elder brother namely Palanivel married one Janani in the year 2005 and they got two female children viz., Nakshatra, now aged about 11 years and Saasmitha, now aged about 8 years. He further submitted that now the petitioner's brother Palanivel is working in Saudi Arabia and leaving his minor two daughters with the petitioner. He further submitted that now the said minor children are under care and custody of the petitioner and they are studying in the school. He further submitted that suddenly now the wife of petitioner's brother namely Janani gave a false complaint before the second respondent. Based on the same, the second respondent insisting the petitioner to hand over the minor children to the said Janani. He further submitted that if the said Janani wants to have custody of the minor

children, she should have approached the Competent Court and get necessary order. Instead of that, she should not have lodged a complaint before the police and the police should not have interfered in the said matter and hence he requests to direct the second respondent not to harass the petitioner by compelling the petitioner to handover the minor children to the said Janani.

3.The learned Additional Public Prosecutor has submitted that since said Janani is the mother of the minor children, she is the natural guardian and she is entitled to have the custody of the said minor children and hence she gave a complaint before the second respondent and only for enquiry purpose, the petitioner was called and she was not subjected to any harassment.

4. Considering the aforesaid submissions, since the matter is pertaining to the custody of the minor children, the second respondent is directed to advice the complainant namely Janani to approach competent court and get appropriate relief with regard to the custody of minor children. Instead of doing so, he should not compel the petitioner to hand over the children to any one.

5. With the aforesaid directions, this petition is disposed of.

Sd/-
Assistant Registrar (CS-IX)

//True copy//

Sub Assistant Registrar

vv/vsn

To

1. The Commissioner of Police,
Vepery, Chennai.
2. The Inspector of Police,
V-7, Nolambur Police Station, Chennai.
3. The Public Prosecutor, High Court, Madras.

+1cc to Mr.N.Pragasam, Advocate SR.No.65239

Cr1.OP.No.22640 of 2018

GMV (08/10/2018)