

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.05.2018

CORAM:

THE HONOURABLE MRS. JUSTICE S.RAMATHILAGAM

Crl.O.P.No.13333 of 2018

D. Kumaran

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Petitioner

Vs.

1. The Director General of Police, Tamil Nadu,
Mylapore,
Chennai – 600 004,

2. The Commissioner of Police, Tamil Nadu
Veppery,
Chennai – 600 007.

3. The State of Tamil Nadu,
Rep. by the Inspector of Police,
W-17, All Women Police Station,
Peravallur,
Chennai.

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Respondents

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

For Petitioner : Mr.K.Rajasekaran

For Respondents : Ms.Kritika Kamal.P.
Govt. Advocate (Crl. Side)

ORDER

The petitioner has filed this petition seeking for an order
directing the respondent not to harass the petitioner.

2. In the petition, the petitioner has stated that the third respondent has registered a case against this petitioner in Crime No. not known of 2017 under Sections 498(A), 406, 506(ii) of I.P.C. The allegation against the petitioner is that the de-facto complainant Gayathri is the wife of the petitioner and their marriage was solemnized on 07.11.2013 at KAK Mandapam, Puthupettai, Kannamangalam. After the marriage, they were residing in the place in Door No.48/11, Hengappa Street, Vadapalani, Chennai and their life was not successful and they got separated from 25.08.2017. The de-facto complainant has lodged a complaint against the petitioner in All Women Police Station, Peravallur and the Hon'ble High Court was pleased to grant interim anticipatory bail to this petitioner. Again the de-facto complainant filed a fresh complaint before All Women Police Station, Vadapalani and the petitioner again approached the Hon'ble High Court for anticipatory bail and the same CrI.O.P. was disposed on 30.11.2017 that no complaint was registered against the petitioner. The earlier complaint that was filed by the defacto complainant was forwarded to the Commissioner of Police, Greater Chennai. During enquiry on the said complaint, the defacto complainant has stated that she was willing to live with the petitioner. Thereafter, she again lodged the present complaint before the 3rd respondent with the same set of allegations and during the enquiry

on the complaint, the petitioner was forced to give an undertaking that he is taking the defacto complainant with him. Whereas, the petitioner already filed an application for divorce on 05.10.2017 and the same is pending before the IV Additional Family Court, Chennai, in which, the defacto complainant also made appearance on 02.02.2018 and further it was posted for counselling on 13.06.2018. Again the defacto complainant has filed a complaint before Vellore Police Station against the mother of the petitioner. Hence, the petitioner prays that unnecessarily the defacto complainant is filing complaint after complaint. The respondent is also giving unnecessary pressure to the petitioner calling the petitioner to their office by way of enquiry. Hence, the petitioner put to mental agony.

3. Today the Government Advocate (Crl. side) submitted that already the case has been closed on 27.04.2018.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. side) for the respondents.

5. According to the representation made by the petitioner, after filing a petition for divorce, the prosecution has closed the complaint on 27.04.2018. Even after closure of the complaint, also the

respondent is pressurizing and calling the petitioner for enquiry and giving mental agony to the petitioner, hence the petitioner is seeking for relief directing the **3rd** respondent not to harass.

6. According to the petitioner even after closure of the complaint, the respondent police is harassing the petitioner under the guise of enquiry.

7. Considering the above said circumstances and also considering the attitude of the de-facto complainant and the circumstances that is prevailing in the case, the third respondent is directed not to harass the petitioner.

8. This Criminal Original Petition is ordered accordingly.

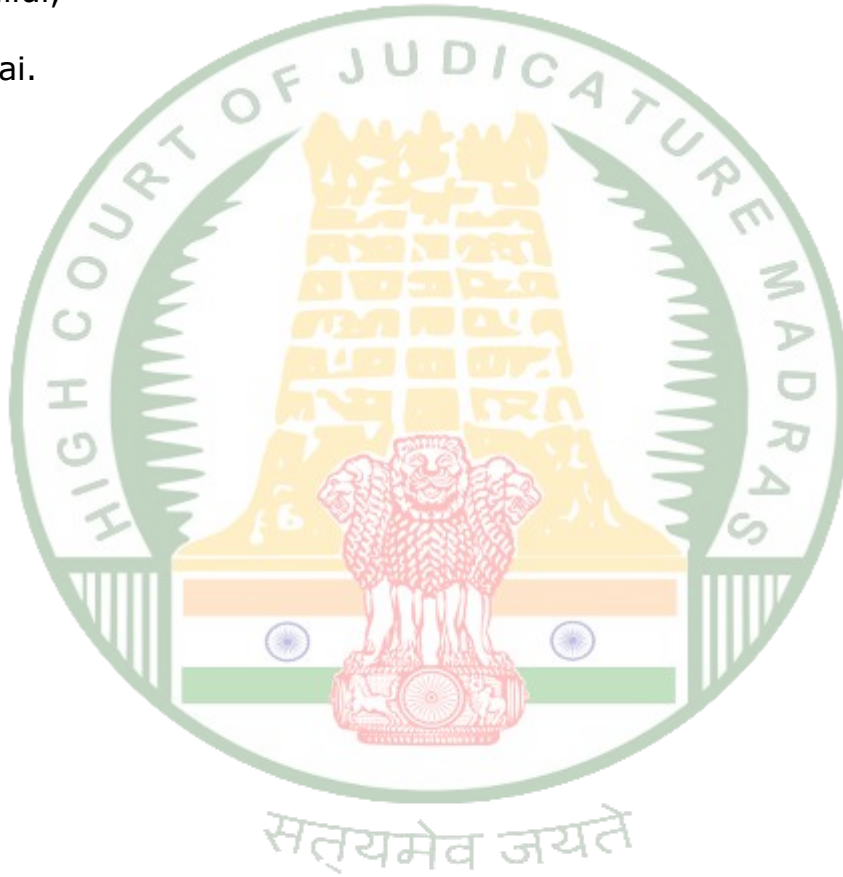
10.05.2018

Index:Yes/No
Internet: Yes/No
rsi/mrp

To

1. The Director General of Police, Tamil Nadu,
Mylapore,
Chennai – 600 004,

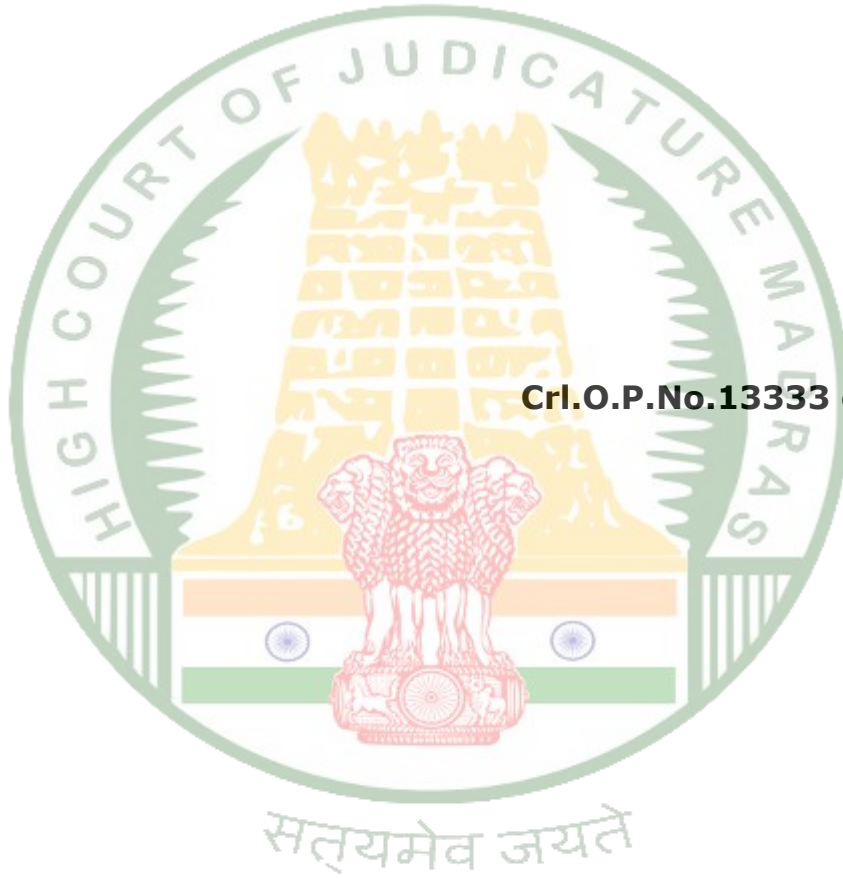
2. The Commissioner of Police, Tamil Nadu
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S.RAMATHILAGAM. J,

rsi/mrp



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