



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2018

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE P. RAJAMANICKAM

Cr1.O.P.(MD) No.1068 of 2018

1.Dr.A.Pradeep
2.Arumugam
3.Tharani

... Petitioners

-Vs-

1.The Commissioner of Police,
Madurai City,
Madurai.

2.The Sub Inspector of Police,
All Women Police Station,
Tallakulam,
Madurai City.

3.Dr.K. Devi Lavanya

... Respondents

Prayer: This Criminal Original petition is filed under Section 482 of Code of Criminal Procedure, to direct the 2nd respondent herein not to harass the petitioners under the guise of enquiry on the basis of the complaint lodged by the 3rd respondent.

For Petitioner : M/s.Right Law Associates
For Respondents : Mr.Prabhu Ramachandran
Government Advocate (Cr1. Side)

ORDER

This petition has been filed to direct the 2nd respondent herein not to harass the petitioners under the guise of enquiry, on the basis of the complaint lodged by the third respondent.

2. The learned counsel appearing for the petitioners has submitted that due to family dispute, the third respondent, who is the wife of the first petitioner gave a false complaint before the second respondent. He further submitted that already the first petitioner has filed a petition in HMOP.No.527 of 2017, on the file of the Family Court, Pondicherry, for Restitution of Conjugal Rights and the same is still pending and that being so, the second respondent has no right to call the petitioners, to appear before him for enquiry.



3. The learned Government Advocate (Crl. Side) appearing for the respondent nos. 1 and 2 has submitted that after receipt of the complaint from the third respondent, the second respondent has issued C.S.R number and the summons have been served on the petitioners to appear for enquiry, but, they did not appear and hence, the question of harassment does not arise.

4. Considering the aforesaid submissions, the petitioners are directed to appear before the second respondent for enquiry and if the enquiry reveals any cognizable offence, then, he has to register a case and proceed in accordance with law and at the time of enquiry, the petitioners should not be subjected to any harassment.

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

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1.The Commissioner of Police,
Madurai City,
Madurai.

2.The Sub Inspector of Police,
All Women Police Station,
Tallakulam,
Madurai City.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO M/s.RIGHT LAW ASSOCIATES, ADVOCATE IN SR No. 43721

TRP
TE/SKN-RSK/SAR-2 : 13/02/2018 : 2P/5C

Crl.O.P.(MD) No.1068 of 2018
24.01.2018