



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.02.2018

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

CRL.O.P.(MD)No.2141 of 2018

M.Natarajan

... Petitioner

-vs-

1. The Inspector of Police,
All Women Police Station (South),
Palayamkottai,
Tirunelveli District.

... 1st Respondent

2.Selvi

... Defacto Complainant

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to grant direction, directing the respondent not to harass the petitioner and his family members under the guise of enquiry, based on the complaint given by the defacto complainant namely, Selvi.

For Petitioner	: Mr.K.Gurunathan
For Respondent	: Mr.Prabu Ramachandran
No. 1	Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, to direct the first respondent not to harass the petitioner, under the guise of the enquiry, based on the complaint given by the second respondent.

2.The learned counsel appearing for the petitioner has submitted that the petitioner is working as Lab Assistant in Government Higher Secondary School, Puliয়ারai and he is going to retire on 31.05.2019. He further submitted that the petitioner has married the second respondent on 10.02.1991 and subsequently, the second respondent left the matrimonial home and hence the petitioner has filed a divorce petition in H.M.O.P.No.60 of 2005, on the file of the Principal Sub Court, Tenkasi and the same was allowed on 06.09.2008. But, subsequently, the second respondent has filed a petition to set aside the ex-parte order and the same was allowed. Subsequently, again an ex-parte decree was granted on 13.09.2015. He further submitted that the second respondent got married with one Johnson and after fifteen years, she lodged a



false complaint stating that the petitioner has retained her jewels and based on the said complaint, the first respondent is harassing the petitioner.

3. The learned Government Advocate (Crl.Side) has submitted that after receipt of the complaint from the second respondent, the petitioner was called upon for enquiry, but he did not appear for enquiry and hence the enquiry is still pending.

4. Considering the aforesaid submissions, the petitioner is directed to appear before the first respondent for enquiry and during the said enquiry, the petitioner should not be subjected to any harassment. The first respondent has to conduct the enquiry and if the enquiry reveals any cognizable offence, then he can register a case and proceed further in accordance with law. In case, the enquiry reveals only a Civil dispute, it is open to the first respondent to direct the parties to approach the Civil Court and get appropriate remedy.

5. With the aforesaid observations, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
All Women Police Station (South),
Palayamkottai,
Tirunelveli District.
2. The Additional Public Prosecutor,
Madurai Bench of Madra High court,
Madurai.

+1cc to Mr.K.Gurunathan, Advocate Sr.No.47770

SSS

VB/SKN/RSK/SAR3/07/03/2018/2P/4C

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