



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.[MD].No.20561 of 2018

Balakrishnan

: Petitioner

Vs.

1. The Superintendent of Police,
Theni District, Theni.

2. The Inspector of Police,
All Women Police Station,
Theni Town, Theni.

3. Selvarani

: Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the 2nd respondent not to harass the petitioner on the guise of enquiry by considering the representation given by the petitioner dated 10.10.2018.

For Petitioner : Mr.J.Lawrance

For R1 and R2 : Mr.R.Anandharaj

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking for a direction to the second respondent not to harass the petitioner under the guise of enquiry by considering the representation given by the petitioner dated 10.10.2018.

2.The learned counsel for the petitioner would submit that the third respondent is the wife of the petitioner and matrimonial dispute pending between them. He would further submit that the petitioner filed a petition in H.M.O.P.No.44 of 2016 before the Sub Court, Veda sandur, seeking for a decree of divorce and declaring the marriage with his wife as null and void. In the said H.M.O.P, the trial also commenced and evidence is being recorded. He also submitted that his wife/ third respondent herein filed a petition in H.M.O.P.No.30 of 2017, seeking for restitution of conjugal rights, before the same court. Both petitions are pending before the Sub Court, Veda sandur. While so, the third respondent given a false complaint before the second respondent, the second respondent



harassing the petitioner under the guise of enquiry. Hence, the petitioner filed this present petition.

3. The learned Additional Public Prosecutor for the official respondents would submit that on a complaint given by the third respondent, enquiry was initiated and summons were issued on the petitioner. He also appeared before the second respondent on 26.10.2018 and thereafter, finding that it is a matrimonial dispute, the same has been closed by the second respondent. After that the second respondent has not called the petitioner for further enquiry.

4. Recording the submissions made by both counsel, this Criminal Original Petition is closed.

Sd/-

Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1. The Superintendent of Police,
Theni District, Theni.
2. The Inspector of Police,
All Women Police Station,
Theni Town, Theni.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.J.LAWRANCE, ADVOCATE IN SR No. 95952

DAS

TE/BK/SAR-2 : 10/12/2018 : 2P/5C

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