

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.12.2019

CORAM

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

Crl.O.P.No.34943 of 2019

Lalitha Sushana Adurthi

..Petitioner

Vs

State rep by
The Inspector of Police,
K8 Police Station,
Arumbakkam, Chennai-106.

..Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent police not to harass the petitioner herein in C.S.R.No.308 of 2019 dated 10.12.2019 on the file of the K8 Arumbakkam Police Station.

For Petitioner : Mr.Mahesh Kumar

For Respondent : Mr.T.Shunmugarajeswaran
Govt.Advocate(Crl.side)

ORDER

The petitioner alleges harassment at the hands of the respondent police.

2. Learned Government Advocate (Crl. Side) submitted that a complaint has been received from the petitioner's former husband and that to enquire the same, the petitioner has been summoned. It is not in dispute that the complaint has been pending since April, 2019.

3. I went through the contents of the complaint as well as the averments set out in this Original Petition.

4. It is not in dispute that the petitioner got married to one Radhakrishna Vittal Dev in the year 2002 and that marriage was dissolved on 15.11.2016. The said Radhakrishna Vittal Dev has remarried and a male child was also born to him. In the meanwhile, proceedings are going between the petitioner and her ex-husband with regard to the custody of her children. The petitioner's specific allegation is that in order to harass her, her ex-husband has given a complaint against her.

5. I went through the complaint on hand.

6. The only allegation made by the said Radhakrishna Vittal Dev is that the money deposited by him in the petition mentioned bank account appeared to have been withdrawn by somebody else. It is admitted by the complainant himself that the petitioner herein has been authorised to withdraw the money deposited by him. Therefore, if the money has been unauthorisedly withdrawn, the petitioner has to be the aggrieved person. Obviously, the said Radhakrishna Vittal Dev cannot have any grievance as such. If his grievance is that the minor children are not being benefited, it is open to him to file an Interlocutory Application in O.P.No.204/2019 filed by him before the High Court in its Original Jurisdiction. Moreover, criminal complaint cannot be a remedy. His intention appears to be to harass the petitioner herein. Therefore, the respondent is restrained from summoning or enquiring the petitioner on the basis of the complaint of her husband.

7. In the result, the Criminal Original Petition is allowed.

s/d-
Assistant Registrar(V.O)

True Copy

Sub-Assistant Registrar

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To

1.The Inspector of Police,
K8 Police Station,
Arumbakkam, Chennai-106.

2.The Public Prosecutor,
High Court, Madras

Crl.O.P.No. 34943 of 2019

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SP(07/01/2020)