



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.SESHASAYEE
CRL.O.P.[MD].No.3380 of 2019

WEB COPY

S.Ranjith Kumar

... Petitioner

Vs.

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

2.The Inspector of Police,
All Women Police Station,
Kamuthi,
Ramanathapuram District.

3.Annaal

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the second respondent not to harass the petitioner based on the enquiry.

For Petitioner : Mr.R.Pon Karthikeyan
For R1 and R2 : Mr.A.P.G.Ohm Chairma Prabhu,
Government Advocate (Crl.Side).

ORDER

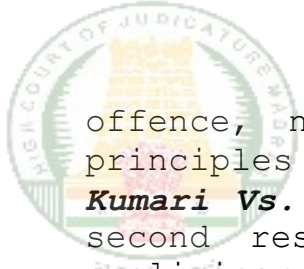
The present petition has been filed to direct the second respondent not to harass the petitioner.

2. Heard the learned counsel appearing for the petitioner, the learned counsel appearing for the third respondent and the learned Government Advocate.

3. The learned counsel appearing for the petitioner submitted that the petitioner faces harassment at the hands of the second respondent, based on a complaint preferred by his wife, the third respondent herein.

4. The learned Government Advocate submitted that the complaint preferred by the third respondent is pending preliminary enquiry. He added that the respondent police have neither harassed the petitioner nor intended to harass him.

5. The Statement of the learned Government Advocate is recorded. Without getting into allegations and counter allegations and whether summon was served on the petitioner or not, if the complaint discloses *prima facie* commission of any cognizable



offence, necessarily the investigating Agency should follow the principles in the judgment reported in **2013 (6) CTC 353 [Lalitha Kumari Vs. Government of Uttar Pradesh]**. If on the other hand the second respondent considers that it is necessary to hold any preliminary enquiry / interrogation considering the fact that the difference between the parties herein is essentially born out of matrimonial causes, the same shall be done only on summons under Section 41 A Cr.P.C., mentioning a specific date and time for enquiry and also giving reasonable time for him to travel to the venue of such enquiry. The petitioner is also directed to co-operate with the enquiry. During enquiry, there shall not be harassment to the petitioner.

6. Accordingly, this criminal original petition is disposed of.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

To

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

2.The Inspector of Police,
All Women Police Station,
Kamuthi,
Ramanathapuram District.

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

+1cc to Mr.R.Pon Karthikeyan , Advocate, SR.No.51611

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SP/25.04.2019/2P/5C