

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Twenty Fifth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice N.SESHASAYEE

CRL OP (MD) No.3974 of 2019

1 S.DHINESHKUMAR
2 YEKAMBAL
3 CHITRADEVI ... PETITIONERS
Vs

1 STATE REP.BY
THE SUPERINTENDENT OF POLICE,
THANJAVUR DISTRICT, THANJAVUR.
2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THANJAVUR DISTRICT. ... RESPONDENTS

3 D.POONGOTHAI ... DEFACTO COMPLAINANT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to direct the 1st respondent to direct the 2nd respondent to not to harass the petitioners under guise of enquiry.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.A.ARUNPRASAD, Advocate for the petitioners and of Mr.V.NEELAKANDAN, Additional Public Prosecutor for R1 & R2 and Mr.K.RAJESHWARAN, Advocate for R3, the court made the following order:-

The present petition is filed seeking protection from the police from harassing the petitioners at the instance of the third respondent.

2. The learned counsel appearing for the petitioners submitted that the first petitioner is the husband of the third respondent and they shared a strained matrimony. It appears that the third respondent has preferred a complaint with the second respondent and it having invited the petitioners for an enquiry, the second respondent took custody of the first petitioner's car bearing No.TN-14-H 6062 and handed over the keys to his wife. Hence, this Court required the learned Additional Public Prosecutor to make a better statement on the alleged over enthusiastic operation of the second respondent.

3. Today, Mr.K.Rajeshwaran, learned counsel enters appearance for the third respondent and his vakalat is in SR stage as S.R.No.9835 of 2019.

4. This Court heard the counsel for the third respondent and the learned Additional Public Prosecutor. They submitted in unison that the third respondent is working as a Manager in a Nationalised Bank, that the first petitioner has borrowed some amounts from the same bank, to which the third respondent had stood as a guarantor, because of matrimonial discordance came to prevail in their lives, and since the first petitioner did not pay the EMI dues, the bank has proceeded against its guarantor, the third respondent herein. The car has since been taken custody of by the bank that financed the loan.

5. Refutting the said allegation, the learned counsel appearing for the petitioner would submit that his instructions are that the petitioner has paid the entire dues and the third respondent has influenced both her bank and the second respondent. The scope of this petition is narrow, but it seems to be stretching into the province not earmarked.

6. Inasmuch as the dispute chiefly is between the first petitioner and the third respondent, it is important for them to find solution to the ongoing matrimony differences. Both evinced interest to sort out of the outstanding issues through the mediation. Hence, the matter is referred to the Mediation and Conciliation Centre attached to this Bench on 05.04.2019 at 03.00 p.m.

7. Both the parties are directed to appear before the Mediation and Conciliation Centre attached to this Bench on 05.04.2019 at 03.00 p.m.

8. Post this matter before this Court after mediation process is completed.

sd/-

25/03/2019

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WEB COPY

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE SUPERINTENDENT OF POLICE,
THANJAVUR DISTRICT, THANJAVUR.

2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THANJAVUR DISTRICT.

COPY TO:

THE CO-ORDINATOR,
MEDIATION AND CONCILIATION CENTRE,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to Mr.K.RAJESHWARAN, Advocate, Sr No.5583

ORDER

IN

CRL OP (MD) No.3974 of 2019

Date :25/03/2019

MS/PN/SAR-4/01.04.2019/3P.5C



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