

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2020

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.20711 of 2013

and

M.P.No.1 of 2013

1. Dr. S.P.G. Sundaram

2. Dr. V. Kaveri

3. Dr. P.Velmurugesan ...Petitioners

--Vs--

1. The State represented by
The Inspector of Police,
W-3, All Women Police Station,
Tambaram,
Chennai - 600 045

2. A. Vedamoorthy ...Respondents

Prayer: Writ petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents from compelling the petitioners herein to give any undertaking not authorized under law.

For Petitioners : Mr.M. C. Govindan

For Respondent-1 : Ms. K. Bhuvaneswari,
Government Advocate

For Respondent-2 : Mr. K. Aravintha Bharathi
No Appearance

O R D E R

This Writ Petition has been filed seeking a Writ of Mandamus forbearing the respondents from compelling the petitioners herein to give any undertaking, which is not authorised under the law.

2. The case of the parties as understood from the affidavit is that there is a matrimonial dispute between the son of the petitioners 1 and 2 and the daughter of the second respondent. The parties are now living at United States of America. According to the petitioners, the first respondent compelled the petitioners to give an undertaking that they would bring the son of the first petitioner to India to face the prosecution. According to the petitioners, they have no control over the person, who is in U.S.A., and as such is not possible to give such an undertaking.

3. Upon notice, the second respondent has filed a counter affidavit denying the allegations made in the Writ Petition. However, the relief is asked against the first respondent not to compel the petitioners to give any undertaking which is not authorized under law.

4. In paragraph 7 of the counter affidavit filed by the first respondent, it is stated as follows:-

"7. This respondent submits this respondent had not demanded any undertaking to be given by them as alleged by the petitioner. The statement of the petitioner is enclosed herewith. On each enquiry, the petitioner and others attended the enquiry along with their legal counsel."

5. The learned counsel for the petitioners submitted that the statement of the first respondent that he had never demanded any undertaking to be given by the petitioners, may be recorded and the writ petition may be closed.

6. The said statement made in paragraph 7 of the counter affidavit filed by the first respondent is recorded. Accordingly, the Writ Petition is closed. No costs. Consequently, connected M.P. is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

srn

To

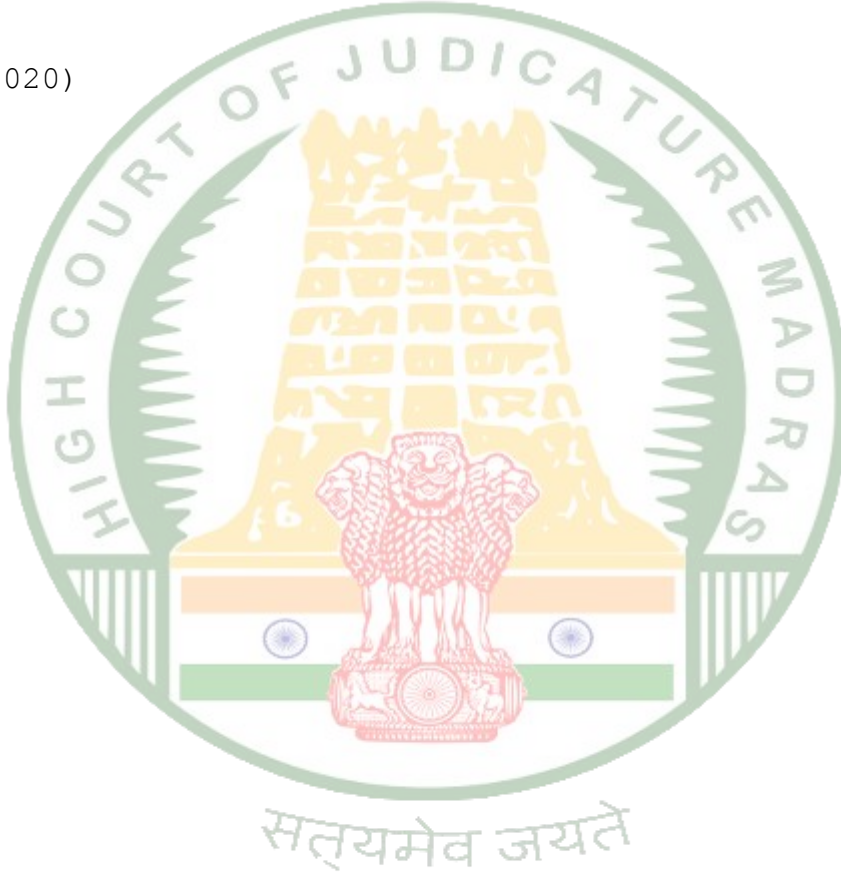
The Inspector of Police,
W-3, All Women Police Station,
Tambaram, Chennai - 600 045

+1 CC to Govt. Pleader srf 22700.

+1 CC to Mr.V. Manoharan, advocate sr 21506.

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RSI (CO)
SP(20/07/2020)



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