

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2020

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

Crl.OP.No.16984 of 2020

1. Jeyashankar, 28 years
S/o.Arumugasami

2. R.Arumugasami, 62 years
S/o.Ramajeyam

3. Easwarisami, 58 years
W/o.Arumugasami

4. Jeyalakshmi, 33 years
W/o.Saravana Kumar

...Petitioners

-vs-

State by,
The Inspector of Police,
AW - G3 Police Station,
Kilpauk,
Chennai - 600 010.

.. Respondent

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the respondent police not to harass the petitioner and his family members.

For Petitioners : Mr.S.Ranjith Kumar
For Respondent : Mr.T.Shanmugarajeswaran
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed to direct the respondent police not to harass the petitioner and his family members.

2.The learned counsel appearing for the petitioners submitted that the 1st petitioner married the defacto complainant and subsequently the defacto complainant filed a petition in O.P.No.88 of 2020 before the Principal Family Court, Chennai, to declare the marriage as null and void claiming false and wrong allegation against the 1st petitioner and his family members.

During pendency of the complaint before the Principal Family Court, the respondent police is harassing the petitioners in the name of enquiry without registering any case. Hence, the petitioners filed this petition before this Court for seeking suitable directions.

3.Mr.T.Shanmugarajeswaran, learned Government Advocate (Crl.Side) appearing for the respondent submitted that no case is registered as against petitioners regarding demand of dowry from the defacto complainant and therefore if at all there is any harassment by the respondent police, the petitioners have to approach and complaint before the higher officials. Therefore, he prayed for dismissal of this petition.

4.Heard the learned counsel appearing for the petitioners as well as the learned Government Advocate (Crl.side) appearing for the respondent police and the perused the materials on record.

5.The 1st petitioner married the defacto complainant and subsequently the defacto complainant filed a petition for divorce in O.P.No.88 of 2020 before the Principal Family Court, Chennai, to declare the marriage as null and void. During pendency of the above said petition for divorce before the Principal Family Court, the respondent police is alleged to have harassed the petitioners under the guise of enquiry and they have appeared before the respondent police on 26.09.2020 at 10.30 a.m. No case is registered against the petitioners and the Crime Number is also not given. Under the facts and circumstances, this Court cannot direct the investigating Officer not to enquire the matter and it is the duty of the petitioners to co-operate for the enquiry before the police officials. If at all there is any harassment, they can very well approach the higher officials. Accordingly, this Criminal Original Petition is disposed off. However, these petitioners at liberty to approach the higher officials in case of any harassment during the enquiry.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1. The Inspector of Police,
AW - G3 Police Station,
Kilpauk,
Chennai - 600 010.

2. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.16984 of 2020

VM(CO)
RV(23/11/2020)



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