



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2020

CORAM:

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Crl.O.P.(MD).No. 923 of 2020

P. Dhanampoongodi

aa...Petitioner

Vs.

1. The Superintendent of Police,
Tirunelveli District.

2. The Inspector of Police,
Vikramasingapuram,
Tirunelveli District.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the 2nd Respondent not to harass the Petitioner under the guise of enquiry without due process of law.

For Petitioner : Mr.S. Mahendrapathy

For Respondents : Mr.S.Chandrasekar,
Additional Public Prosecutor

O R D E R

The Criminal Original Petition has been filed to direct 2nd Respondent to not to harass the Petitioner under the guise of enquiry without due process of law.

2. Today, when the matter is taken up for hearing, the learned Additional Public Prosecutor for the respondents would submit that the petitioner's husband one Suresh is involved in several theft cases along with Siva @ Pitchaimuthu and he is absconding. The respondents had enquired the petitioner with regard to whereabouts of the petitioner's husband, other than that they have not harassed the petitioner.

3. At this juncture, the learned counsel appearing for the petitioner would submit that already the petitioner and her husband are having matrimonial dispute and she also filed a petition in HMOP No. 146 of 2018 before the Subordinate Court, Tuticorin against her husband for divorce and the same is pending.



The petitioner has also appeared for enquiry before the respondents. Though, the respondents have power to enquire the petitioner, the petitioner cannot be harassed in the guise of enquiry, since she is not an accused in the case.

4. The learned Additional Public Prosecutor would further submit that the accused viz., the petitioner's husband has also given a statement that the robbed jewels had been handed over to the petitioner who is his wife and hence, the respondents are entitled to conduct enquiry with regard to the statement given by the petitioner's husband. The statement is recorded. It is made clear that, if the petitioner is not an accused she shall not be harassed.

5. Recording the same, the Criminal Original Petition stands closed.

Sd/-

Assistant Registrar (CS-III)

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Sub Assistant Registrar(CS)

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To

1. The Superintendent of Police,
Tirunelveli District.
2. The Inspector of Police,
Vikramasingapuram,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to MR.S.MAHENDRAPATHY, Advocate (SR-3253[F] dated
27/01/2020)

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