



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.05.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P (MD) No.5540 of 2020

M.Prabhakaran

... Petitioner

Vs

The State rep by its
The Inspector of Police,
Gujiliyamparai Police Station,
Dindigul District.

... Respondent

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to direct the respondent Police herein not to interfere with the rights of custody of the petitioner child under the guise of false and frivolous complaints and except through due process of law.

For Petitioner : Mr.B.Jameel Arasu

For Respondent : Mr.A.Robinson

Government Advocate (Crl.side)

ORDER

The petitioner alleges harassment at the hands of the respondent.

2.The petitioner's counsel states that the relationship between the petitioner and his wife had come under strain and that a child born to them was with the petitioner. In order to secure the custody of the child, the petitioner's wife had given a false case and in the guise of enquiring and investigating the said case, the respondent police came to the petitioner's house and forcibly took away the child and handed over the child to the petitioner's wife.

3. I am afraid that I cannot give any direction regarding the custody of the child. The petitioner has to necessarily work out his rights before the jurisdictional Court whether it is the Family Court or the Sub Court. But I clearly direct the respondent not to put the petitioner to any kind of harassment in the guise of investigating into the case on hand. The petitioner is also given liberty to file a quash petition.

4.With this liberty and direction, this Criminal original Petition is disposed of.

Sd/-

Assistant Registrar ()

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/ /2020

Sub Assistant Registrar(CS)

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To

1.The Inspector of Police,
Gujiliyamparai Police Station,
Dindigul District.

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

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