



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.11.2020

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P.(MD)No.12549 of 2020

K.Sriramkumar

...Petitioner

Vs.

1.The Inspector of Police,
South Police Station,
Madurai.

2.M.Showmiya

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., directing the 1st respondent police not to harass the petitioner under the guise of the enquiry.

For Petitioner : Mr.R.Venkatesan for
For M/s.Right Law Associates

For R1 : Mr.V.Neelakandan
Additional Public Prosecutor.

ORDER

This petition has been filed to direct the 1st respondent police not to harass the petitioner under the guise of the enquiry.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor (Criminal Side) for the official respondent.

3.The learned counsel for the petitioner would submit that the petitioner and the second respondent got married on 12.09.2018. Subsequently, there was a difference of opinion between them. The second respondent has given complaint before AWPS, Thiruparangundram. Both the petitioner and the second respondent appeared before the police and on completion of enquiry, the second respondent came to the petitioner's house. According to the petitioner, even thereafter, there was difference of opinion. Hence, the petitioner has filed HMOP No.620 of 2019, before the Family Court, Madurai. As the second respondent is not willing to live with the petitioner, the said HMOP was withdrawn by the petitioner. In



the meanwhile, the second respondent again lodged complaint against the petitioner on 21.10.2020, based on which, the petitioner was called for enquiry. He has also co-operated with the enquiry. The petitioner and his family members are not able to tolerate the harassment, has come before this Court with this Criminal Original Petition.

4.When the petition is taken up for hearing, the learned Additional Public Prosecutor, on instructions, would submit that CSR No.325 of 2020 dated 19.10.2020 has been assigned and there is an enquiry pending against the petitioner.

5.Considering the facts and circumstances of the case, this Criminal Original Petition is disposed of with a direction to the first respondent to follow the principles laid down by the Hon'ble Apex Court in **D.K.Basu Vs. State of West Bengal reported in AIR (1997) SC 610** while enquiring the petitioner.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vrn

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Inspector of Police,
South Police Station,
Madurai.

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

Crl.O.P. (MD)No.12549 of 2020
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KG (CO)

TR(20.11.2020) 2P 3C