



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P (MD)No.12830 of 2020

A.Pauldurai

... Petitioner

Vs

1.The Superintendent of Police
Madurai District
Madurai

2.The Inspector of Police
All Women Police Station
Melur
Madurai District

3.A.Jenifer

... Respondents

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to direct the second respondent to follow the guidelines stipulated by the Apex Court in Criminal Appeal No.1265 of 2017 between Rajesh Sharma and others Vs.State and another dated 27.07.2017 not to harass and to take earnest steps to settle the family dispute amicably instead of humiliating the petitioner.

For Petitioner : Mr.I.Sam Jegan

For R1 & R2 : Mr.V.Neelakandan

Additional Public Prosecutor

ORDER

This petition has been filed to direct the second respondent to follow the guidelines stipulated by the Apex Court in Criminal Appeal No.1265 of 2017 between Rajesh Sharma and others Vs.State and another dated 27.07.2017 not to harass and to take earnest steps to settle the family dispute amicably instead of humiliating the petitioner.

2.The learned counsel for the petitioner would submit that the petitioner and the third respondent are husband and wife. The third respondent's brother was in love with close relative of the petitioner and took her from her parental home. Thereafter, on the family talks, they were separated. Subsequent to that, the third respondent's brother had swallowed poison and after taking several treatment in various hospitals, he died on 13.01.2020. For which, third respondent's family misguided her and based on the ill advice of the family members, the third respondent lodged a complaint before the second respondent against the petitioner. Based on that,



the petitioner often called for enquiry and harassed him. Hence, the petitioner is before this Court.

3.The learned Additional Public Prosecutor, appearing for the respondents 1 and 2, on instructions, would submit that based on the complaint, enquiry has been initiated in C.S.R.No.610 of 2020 and summon was sent to the petitioner to appear for enquiry on 12.11.2020.

4.The learned counsel appearing for the petitioner would submit that the summon has been received by the petitioner to appear for enquiry on 12.11.2020. Since it is a festival season, the petitioner is ready to appear for enquiry after Deepavali for which, the learned Additional Public Prosecutor would submit that a fresh summon will be issued to the petitioner to appear for enquiry after Deepavali.

5.Whatever might be the circumstances, the respondent police are directed 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.

6.Accordingly, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (RTI)

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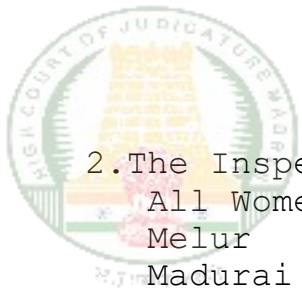
Sub Assistant Registrar(CS)

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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 Superintendent of Police
Madurai District
Madurai



2.The Inspector of Police
All Women Police Station
Melur
Madurai District

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

Crl.O.P (MD) No.12830 of 2020
11.11.2020

VB (30.11.2020) 3P 4C