



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.11.2020**

CORAM:

THE HONOURABLE MRS.JUSTICE **J.NISHA BANU**

Crl.O.P.(MD)No.13107 of 2020

Parthasarathy

... Petitioner

Vs.

1. The Superintendent of Police,
Office of the Superintendent of Police,
Tirunelveli District.

2. The Inspector of Police
All Women Police Station,
Ambasamuthiram,
Tirunelveli District.

...Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the second respondent police herein not to harass the petitioner or his family members on the guise of enquiry except under due process of law and on the basis of his representation dated 03.11.2020.

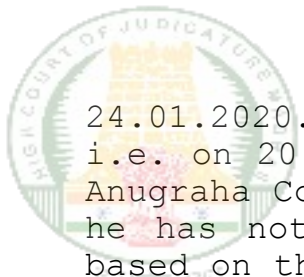
For Petitioner	: Mr.K.Rajesh
For Respondents	: Mr.V.Neelakandan, Additional Public Prosecutor

O R D E R

This petition has been filed to direct the second respondent police not to harass the petitioner or his family members under the guise of enquiry except under due process of law and on the basis of his representation dated 03.11.2020.

2. The learned counsel appearing for the petitioner reiterated the contentions set out in the original petition.

3.The petitioner through his petition would state that the defacto complainant has given a false complaint against the petitioner alleging that the petitioner was in love with the defacto complainant namely, Praveena and thereafter, married her on 20.01.2020 at Gouthampuri, Tirunelveli and the marriage has registered before the Sub Registrar Office, Ambasamuthiram on



24.01.2020. He would state that on the alleged date of marriage i.e. on 20.01.2020, the petitioner was in Palani in a Lodge namely, Anugraha Cottage for Darshan of Lord Muruga and stayed at Palani and he has not married the defacto complainant as alleged by her and based on the false complaint, he has been continuously called by the respondent police and pressuring him to compromise the issue. Therefore, he has sent a detailed representation dated 03.11.2020 to the second respondent, but there was no response. Hence, the petitioner filed this petition.

4.The learned Additional Public Prosecutor appearing for the respondents 1 and 2, on instructions, would submit that it is alleged that the petitioner married the defacto complainant and cheated her. He would further submit that based on the complaint given by the defacto complainant dated 05.10.2020, enquiry has been conducted and the same is pending.

5.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 and 2.

6.Considering the facts and circumstances of the case, this Criminal Original Petition is disposed of with a direction to the respondents 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 (C.O)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rm

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,
Office of the Superintendent of Police,
Tirunelveli District.
2. The Inspector of Police
All Women Police Station,
Ambasamuthiram,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P.[MD]No.13107 of 2020
19.11.2020

KG(CO)
CS(14.12.2020) 3P 4C