



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.12.2020

CORAM:

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

Crl.O.P. (MD).No.13423 of 2020

R.Vijay

....Petitioner

vs.

1.The Deputy Commissioner of Police
Office of the Deputy Commissioner of Police
Tirunelveli Taluk
Tirunelveli District

2.The Inspector of Police
All Women Police Station
Tirunelveli City

3.M.Neshi Ralf

....Respondents

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to direct the second respondent not to harass the petitioner at the behest of the third respondent.

For Petitioner

: Mr.M.Kannan

For R1 & R2

: Mr.V.Neelakandan

Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the second respondent not to harass the petitioner at the behest of the third respondent.

2.The learned counsel for the petitioner would submit that the petitioner's parents had taken steps to perform the marriage of the petitioner. During November 2019, through matrimonial service by name " Nithia Perinbam Matrimonial Service" had obtained the marriage proposal particulars registered by the third respondent herein. In a marriage details application form, the third respondent had mentioned that she is a spinster and she was unmarried. The learned counsel further submitted that during March 2020, upon thorough enquiry, the petitioner's family found that the third respondent was already married to some other person and she has suppressed the said fact to the petitioner's family and trying to get marry with the petitioner. Thereafter, the petitioner's family refused for any further talks regarding the marriage. When the third respondent came to know about the fact, she started threatening the petitioner by demanding money from him and also started compelling to marry her or else he should give her huge money. When the same was refused by the petitioner, the third respondent lodged a false complaint before the second respondent police. Based on the



complaint, the second respondent is harrasing the petitioner under the guise of enquiry. Hence, the present petition.

3.The learned Additional Public Prosecutor appearing for the respondents 1 and 2, on instructions, would submit that a copy of the divorce with the first husband dated 17.03.2020 was produced before the second respondent police. He further submitted that during enquiry, the petitioner had given an undertaking that he would marry the third respondent.

4.Per contra, the learned counsel for the petitioner would submit that the petitioner has not given any such assurance.

5. Heard the learned counsel appearing 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, if the respondents/police intend to enquire the petitioner, they shall follow the guidelines in the Judgment of the Hon'ble Supreme Court in ***D.K.Basu Vs. State of West Bengal reported in AIR (1997) SC 610*** while enquiring the petitioner. The respondents/police cannot compel the petitioner to give an undertaking that he would marry the third respondent when it has been specifically stated that the petitioner was not put on notice about the defacto complainant's previous marriage.

7.With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

msa

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 Deputy Commissioner of Police
Office of the Deputy Commissioner of Police
Tirunelveli Taluk
Tirunelveli District

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Inspector of Police
All Women Police Station
Tirunelveli City

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

+1CC to Mr.M.Kanan,Advocate,SR.No.23808, dated 03/12/2020

Crl.O.P. (MD) .No.13423 of 2020
01.12.2020

SV2 (CO)
KB(11.01.2021) 3P 5C