



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2020

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. (MD)No.17714 of 2020

Sangethapappa

... Petitioner

Vs.

1.The Superintendent of Police,
Madurai District.

2.The Inspector of Police,
Kalligudi Police Station,
Madurai District.

3.The Sub Inspector of Police,
Kalligudi Police Station,
Madurai District.

4.The Inspector of Police,
Thirumangalam Taluk Police Station,
Madurai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the respondents 2 to 4 not to harass the petitioner and her family members by name of enquiry.

For Petitioner : Mr.B.Sankaralakshmi

For Respondents : Mr.R.Srinivasan,
Government Advocate.

ORDER

This writ petition has been filed to direct the respondents 2 to 4 not to harass the petitioner and her family under the guise of enquiry.

2.The learned counsel appearing for the petitioner would submit that the defacto complainant, namely, Ramasamy, who is the husband of the petitioner herein, had preferred a complaint before the respondents 2 to 4. In his complaint, he has stated that marriage between the petitioner and the defacto complainant was



solemnized on 15.11.2015 and they were blessed with a female child. Due to some misunderstanding, the defacto complainant filed a divorce petition in H.M.O.P.No.27 of 2020 before the Sub Court, Thirumangalam and the same was decreed exparte. It is also stated in the complaint that the petitioner and her relative kidnapped the child and kept in illegal custody. The learned counsel for the petitioner would further submit that based on the complaint given by the defacto complainant, the third respondent called the petitioner for enquiry and she appeared before the third respondent and submitted her explanation. Thereafter, the third respondent frequently called the petitioner in the name of enquiry and compelled her to hand over the child to the defacto complainant. Hence, without no other option, the petitioner filed the present criminal original petition seeking the aforesaid relief.

3.The learned Government Advocate appearing for the respondents, on instructions, would submit that based on the complaint preferred by the defacto complainant, the third respondent police enquired the petitioner. He would further submit that other than enquiry the police officials are not interfering in the matrimonial dispute.

4.This Court is of the considered opinion that in the matrimonial dispute, the Police Officials has no role to play. Hence, the respondents herein shall not harass the petitioner in the name of enquiry. The parties are at liberty to seek their remedy before the appropriate forum. Accordingly, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

gns

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.

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



To

- 1.The Superintendent of Police,
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