



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.13551 of 2021

1.T.Sai Shyam Kumar
S/o Krishnaiah

2.T.Indumathi,
W/o. Krishnaiah

...Petitioners

Versus

1.The Commissioner of Police,
Greater Chennai,
Veperi, Chennai.

2.The Assistant Commissioner of Police,
Anna Nagar,
Chennai.

3.The Inspector of Police,
K-8, Arumbakkam Police Station,
Arumbakkam,
Chennai 600 106

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondents 1 to 3 not to harass the petitioners as per law.

For Petitioners : Mr. V. T. Narendiran

For Respondents : Mr.A.Damodharan,
Gov. Advocate (Crl.Side)

ORDER

This petition has been filed seeking a direction not to harass the petitioners.

2. The learned counsel for the petitioners would submit that the first petitioner/ Sai Shyam Kumar and the defacto complainant/ Sri Joshna got married in the year 1998. Due to some matrimonial dispute, they got separated. Thereafter, the defacto complainant has lodged a complaint on 25.09.2018 against the first petitioner herein and a case in Crime No.451 of 2018 came to be registered for the offence under Sections 498(A), 323, 294(b) and 506(ii) IPC. Thereafter, the petitioners were not aware about the progress of the said



case.. Now, all of a sudden, the 3rd respondent police, calling upon the petitioners and thereby, harassing them. The 2nd petitioner is aged about 74 years and she is nothing to do with the case.

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3. The learned Government Advocate (Crl. side) appearing for the respondents, on instructions, would submit that in this case, investigation completed, charge sheet filed and the case taken on file as C..C.No.14 of 2019, pending before the learned Additional Mahila Court, (Magistrate level), Egmore, Chennai. The first petitioner is the sole accused in this case.. Though the charge sheet has been filed in the year 2019, the first petitioner successfully evading the receipt of the summon and not appearing before the trial court. Hence, the case is kept pending without any progress. The 2nd petitioner was not called for any enquiry and she is not at all a party in the criminal proceedings. Since the whereabouts of the first petitioner is not known, the 2nd petitioner was informed to intimate her son, who is the first respondent herein, to appear before the Court on 16.09.2021, i.e., the next hearing date.

4. The learned counsel appearing for the petitioners, on instructions, would submit that the first petitioner will appear before the trial Court on 16.09.2021 without fail.

5. Recording the same, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

mrp

To

- 1.The Additional Mahila Judge,
(Magistrate Level)
Egmore, Chennai.
- 2.The Commissioner of Police,
Greater Chennai,
Veperi, Chennai.
- 3.The Assistant Commissioner of Police,
Anna Nagar,
Chennai.
- 4.The Inspector of Police,
K-8, Arumbakkam Police Station,
Arumbakkam, Chennai 600 106.



5.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.V.T.Narendiran, Advocate Sr.No.38646

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LN(CO)
RVM(17/08/2021)