

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2021

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

Crl.O.P.No.10012 of 2021

1. Arunraj, M/31
S/o. Velayutham Thavidan

2. Jothi Velayutham, F/58
W/o. Velayutham Thavidan

... Petitioners

Vs.

The Inspector of Police,
All Women Police Station,
Ponneri, Chennai - 601 204

.... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioners on Anticipatory bail in the event of their arrest in Crime No. Not known of 2021 on the file of the respondent.

For Petitioners : Mr.R.Rajesh Kumar

For Respondent : Mr.L.Baskaran

Government Advocate (Crl.side)

O R D E R

(The case has been heard through video conference)

The petitioners apprehend arrest by the respondent Police for the alleged offences punishable under Sections 498A, 506 (2), 420, 34 and 120 of IPC in Crime Number Not Known of 2021 and they seek anticipatory bail.

2. According to the prosecution, the defacto complainant C.Sriranjani has lodged a complaint against the petitioners before the respondent police. The first petitioner is the husband and the 2nd petitioner is the mother-in-law of the defacto complainant. According to the prosecution, the petitioners have demanded dowry and harassed the defacto complainant. The complaint of the defacto complainant has been registered in CSR No.38 of 2021.

3. However, it is the case of the petitioners that they are innocents and due to matrimonial dispute, a false case has been filed against the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent on instructions would submit that till date, no FIR has been registered against the petitioners. However, he would submit that the petitioners have to co-operate with the investigation as the complaint lodged by the de facto complainant is in CSR stage.

5. After giving due consideration to the fact that the marriage between the 1st petitioner and the defacto complainant took place very recently on 05.03.2021 and the complaint of the defacto complainant is in CSR stage, this Court is inclined to issue following direction;

The respondent police has to issue notice under Section 41A of Cr.P.C to the petitioners. The petitioners are directed to appear before the respondent police and the Investigating Officer has to conduct the enquiry by strictly following the procedures therein. The Investigating Officer is to either register a First Information Report or close the complaint by 12.07.2021. If the Investigating Officer has grounds to arrest the petitioners, then he has to state the reasons in writing and communicate the same to the petitioners and in that case, the petitioners are at liberty to file necessary application before this Court seeking anticipatory bail.

6. With the aforesaid direction, this Criminal Original Petition is closed.

-sd/-

10/06/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

सत्यमेव जयते

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

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TO

1. THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, PONNERI,
CHENNAI 601 204

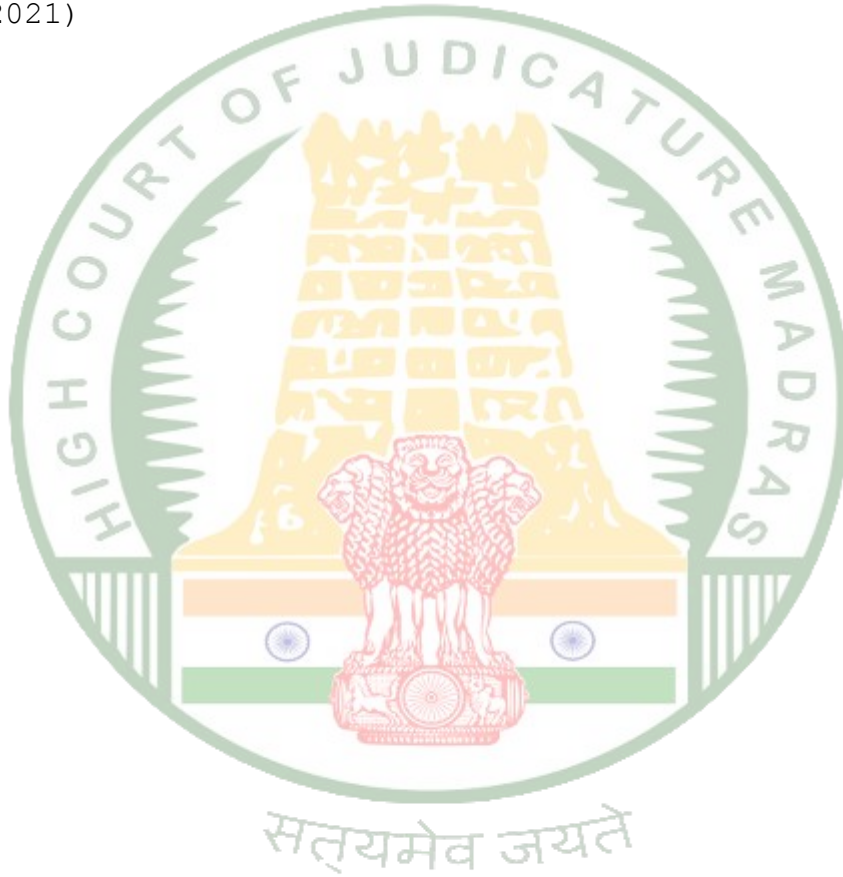
2. THE PUBLIC PROSECUTOR
HIGH COURT MADRAS 104.

CC to M/S.R.RAJESH KUMAR Advocate on payment of necessary charges

CRL OP.10012/2021

Date :10/06/2021

SP (28/06/2021)



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