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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2021

CORAM:

THE HON'BLE MR. JUSTICE M. NIRMAL KUMAR

CRL.O.P.No.10729 of 2021

S.Keerthiga ... Petitioner

Versus

1. The Inspector of Police,
Mandharakuppam Police Station,
Cuddalore District.

2. S.Pazhaniammal ... Respondents

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondents to not to harass the petitioner.

For Petitioner : Mr.A.J.Alwyn Prabakar

For Respondent : Mr.A.Damodharan,
Government Advocate (Crl.side)

ORDER

This Criminal Original Petition has been filed seeking a direction to direct the first respondent not to harass the petitioner expect by due process of law.

2.The petitioner is daughter and second respondent is the mother of the petitioner, who has lodged a complaint for women missing case in Crime No.837 of 2020 filed and the same is pending on the file of the respondent/police.

3.The contention of the petitioner is that the petitioner married one Anantharaj on 28.08.2020, the marriage was forced marriage. Therefore, the petitioner left Ananthraj, since he is a chronic drunkard and physically assaulted her. The petitioner is not willing to continue to residing with the said Ananthraj. The petitioner is a major and she is living separately on her own. On 05.11.2020, she had left the matrimonial home and sent a notice to Ananthraj on 01.04.2021 and also on 22.04.2021 to desist herself from his threatening, abusing and disturbing her independent peaceful life. Further, she had sent a complaint to

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the Mandharakuppam Police Station, Cuddalore District on 15.06.2021, in which, she stating that she is living separately in Chennai on her own volition and the same has been already informed to the first respondent on 25.10.2020 in person. While being so, the second respondent filed one HCP.No.2263 of 2020, in that case, the petitioner appeared before the Court on 17.12.2020, thereafter, by recording the finding that there is no illegal detention involved in this case, the habeas corpus petition was closed.

4.In that HCP.No.2263 of 2020, the first respondent was directed to trace the detenue. Hence, the first respondent as well as the second respondent/defacto complainant well aware of the status of the petitioner. In view of the same, the first respondent is to take notice of the order passed in HCP.No.2263 of 2020, wherein it has been clearly held that the petitioner is living separately on her own. Hence, continuation of the investigation in Crime No.837 of 2020, it only waste of time and no useful purpose would be served for keeping the said Crime No.837 of 2020 pending for investigation. Accordingly, this Court directs the first respondent not to harass the petitioner under the guise of any enquiry.

5.With the above observations and directions, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

klt
To

1. The Inspector of Police,
   Mandharakuppam Police Station,
   Cuddalore District.

2. The Public Prosecutor,
   High Court, Madras.

+1cc to Mr.A.J. Alwyn Prabakar, Advocate, S.R.No.28716

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PCH(CO)
PM(23/07/2021)

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