

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2021

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THE HONOURABLE MR. JUSTICE **M.NIRMAL KUMAR**

W.P.No.13109 of 2021

1.Varadha Rao
S/o.Bhaskar Rao

... Petitioner

Vs.

The State Represented by
1.The Inspector of Police
W-32, All Women Police Station
Madipakkam Chennai 600117

... Respondents

PRAYER: The writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondent police not to harass the petitioner.

For Petitioner : Mr.Rahul Jagannathan

For Respondent : Mr.E.Raj Thilak
Government Advocate (Crl. Side)

ORDER

(This case has been heard through video conference)

This writ petition has been filed seeking to issue a writ of Mandamus seeking for a direction, directing the respondent police not to harass the petitioner in the guise of enquiry who is constantly harassing the petitioner.

2.The contention of the petitioner is that the marriage between the petitioner and one Priyanka had taken place on 05.07.2012. The petitioner is a software engineer and during the marriage, customary Stridhan articles were presented to the petitioner. He was working in WIPRO till December 2015 and thereafter joined Cognizant in January 2016. The matrimonial dispute between the petitioner and his wife developed due to misunderstanding. The petitioner's mother travelled to Canada to take care of her daughter who was pregnant at that particular time, leaving the estranged wife of the petitioner who was also pregnant. Thereafter, the estranged wife delivered a female child on 22.03.2013 who is eight years old now. The petitioner's mother during her travel to Canada, collapsed and died. There was some dispute with regard to purchasing of Flat since the petitioner had purchased the Flat in his name. The petitioner's estranged was often in her phone talking to somebody and when the petitioner wanted to verify the same, his wife refused to disclose the particulars.

Thereafter, on 06.07.2020 his wife left the matrimonial house and started to live with her brother and mother. Suddenly on 11.02.2021, the respondent police had come to the petitioner's house and forcibly compelled the petitioner to return the Stridhan articles including gold, silver and other things belonging to his estranged wife and the petitioner had handed over the same with acknowledgment. Thereafter, the respondent police are constantly harassed the petitioner by calling him for enquiry on various dates on 29.01.2021, 06.02.2021, 11.02.2021 and 20.03.2021. The petitioner was forced to pay Rs.2 Lakhs for the maintenance of the child and the respondent police have also threatened the petitioner to pay Rs.3 crores as one time alimony and to settle the property worth Rs.15 crores in her name. The petitioner informed the respondent police that he had already filed a petition for divorce before the Family Court in O.P.No.938 of 2021 and both the parties were referred to Mediation and the case is posted for their appearance before the Mediation Centre on 26.07.2021.

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3.The learned counsel would further submit that the respondent police attempted to take the law in their own hand and wanted to settle the family dispute on their terms. He would further submit that CCTV recording footage is produced before this Court to show that on 11.01.2021 the respondent police

along with his estranged wife taking back Stridhan articles including gold jewellery. He had also filed a marriage certificate, acknowledgment obtained for receiving the Stridhan articles, 41A notice and the representation made by the petitioner to the respondent police on 17.06.2021.

4.Mr.E.Raj Thilak, the learned Government Advocate (Crl. Side) would submit in this case on the complaint given by the petitioner's erstwhile wife one Priyanka on 09.01.2021, C.S.R.No.12 of 2021 was registered and the petitioner was called for enquiry and during the enquiry, on two or three occasions, the articles of Stridhan, other valuables, gold jewellery which are available with the petitioner was directed to be returned to the complainant, the Stridhan articles had been handed over with an acknowledgment. The petitioner was also served 41 A notice on several occasions and despite receipt of the same, the petitioner refused to appear before the respondent police for enquiry. Thereafter, the respondent police had proceeded to the petitioner's house for enquiry. Now F.I.R. in Crime No.2 of 2021 had been registered against the petitioner for the offence u/s.498(A), 323, 294(b), 506(1) and Section 4 of TN Prohibition of Harassment of Women Act, 2002. The petitioner being the accused in Crime No.2 of 2021 cannot term the issuance of notice calling for enquiry as harassment now the F.I.R. registered.

5.In view of the above submissions made by the learned Government Advocate that the F.I.R. registered against the petitioner, no further order is required in this petition. This petition stands closed accordingly.

12.07.2021

Note: Issue order copy on 13.07.2021

Index : Yes/No
Internet: Yes/No

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To.

The Addl. Director General of Police/
I.G. of Prisons
Whannels Road, Egmore
Chennai 600 008

2.The State of Tamilnadu rep. by
The Superintendent of Central Prison
Vellore District

3.The Superintendent of Police
District Police Office
Vellore

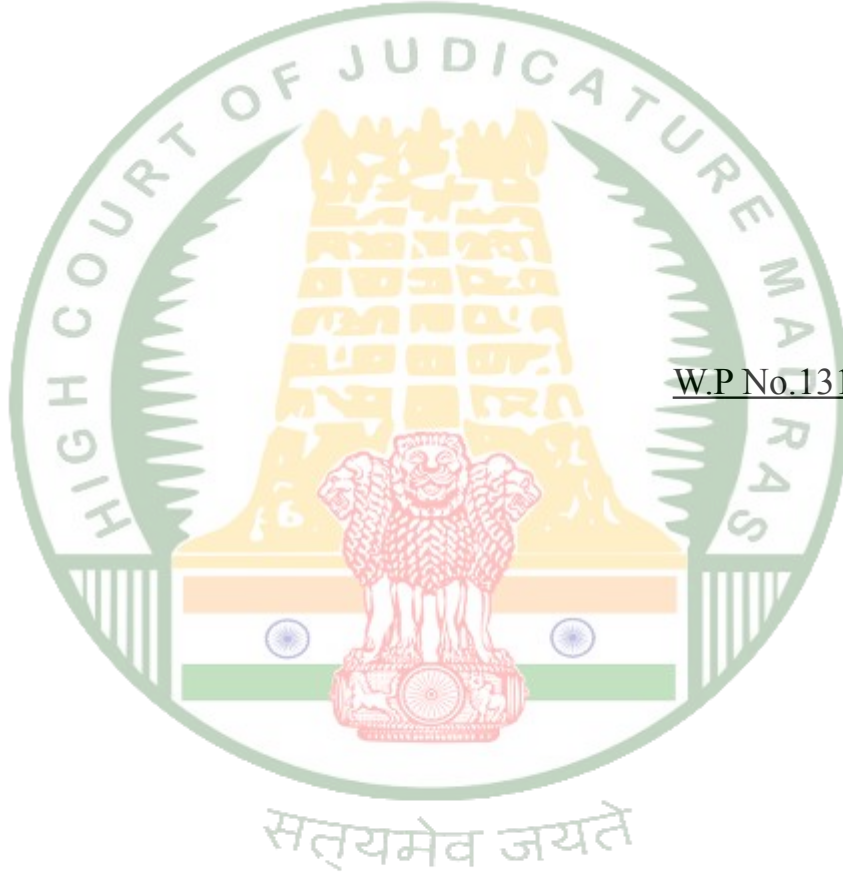
4.The Superintendent of Police
District Police Office
Mayiladuthurai District

5.The Inspector of Police
Mayiladuthurai Police Station
Mayiladuthurai District
(Crime No.1252 of 1988)

W.P.No.13109 of 2021

M.NIRMAL KUMAR, J.

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W.P No.13109 of 2021

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