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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.11182 of 2021

S.Dilipkumar

... Petitioner

Versus

1.The Commissioner of Police
Greater Chennai Police
Vepery
Chennai 007.

2.The Inspector of Police,
W27 All Women Police Station
Vadapalani
Chennai.

3.D.Soundarya

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent police not to harass the petitioner herein under the guise of investigation pertaining to the complaint pending on the file of the respondent police.

For Petitioner : Mr.C.Ganesh Pandian
For Respondents : Mr.A.Damodharan,
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed to direct the respondent police not to harass the petitioner herein under the guise of investigation pertaining to the complaint pending on the file of the respondent police.

2. The learned counsel for the petitioner has submitted that on the complaint given by the third respondent/estranged wife of the petitioner, in C.S.R.No.28 of 2021, under the guise of enquiry, the petitioner has been constantly harassed. Further, the petitioner has been forced to



settle some property in the name of the third respondent and their children. Earlier, the petitioner had filed H.P.No.903 of 2021 seeking protection of his minor children. He further submitted that the petitioner is willing to join with his wife and also take back his minor children.

3. The learned Government Advocate (Crl.Side) has submitted that the petition enquiry in CSR.No.28 of 2021 is pending against the petitioner, which is a matrimonial dispute. As per the guidelines of the Hon'ble Apex Court, CSR was assigned and the respondent police are taking steps to resolve the matrimonial dispute between the petitioner and the estranged wife. In the matrimonial dispute, calling for enquiry cannot be termed as harassment.

4. Considering the submissions and perused the materials, it is seen that the petitioner voluntarily come forward to co-operate with the enquiry and participated in the reconciliation. The respondent police is directed to sort out the matrimonial dispute and if needed, the case can be referred to the Social Welfare Department, so that the issue can be resolved amicably.

5. In view of the above submissions and the nature of complaint, this Court finds that it is purely a matrimonial dispute and the action taken by the respondent cannot be termed as harassment.

6. With the above observation and direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

dna

To

1.The Commissioner of Police
Greater Chennai Police
Vepery
Chennai 007.

2.The Inspector of Police,
W27 All Women Police Station
Vadapalani
Chennai.



3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.C.Ganesh Pandian, Advocate, S.R.No.30546

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PMK(CO)
CB(02/08/2021)