



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.11390 of 2021

P.V.Ramachandran

...Petitioner

Versus

The State by
The Inspector of Police
W-29, All Women Police Station
Avadi
Chennai 600 054.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent not to harass the petitioner in respect of Crime No.Not Known of 2021 on the file of the respondent police.

For Petitioner : Mr.P.Veeraraghavan

For Respondent : Mr.S.Vinoth Kumar
for Public Prosecutor

ORDER

This petition has been filed to to direct the respondent not to harass the petitioner in respect of Crime No.Not Known of 2021 on the file of the respondent police.

2. The petitioner seeks permission from unnecessary harassment by the respondent police. He further submitted that the petitioner/husband caused a legal notice dated 19.03.2021 to his wife Durga Ramachandran calling her for mutual divorce. Thereafter, after receipt of the notice, his wife has given a complaint to the respondent police and the petitioner had been served with summons to appear on 04.05.2021. However, the petitioner was suffering from Covid-19 and he tested positive on 06.05.2021 and he was severed with isolation notice by the Municipal Authorities for the period from 07.05.2021 to 20.05.2021. Subsequently, he was under isolation. Thereafter, the first respondent Police directed the petitioner to appear on 29.06.2021 to give his explanation. From the typed set of papers, it is seen that though the petitioner had been summoned



to appear on 29.06.2021, the petitioner had not appeared on that day.

3. The learned counsel for the petitioner further submitted that the respondent police and his estranged wife threatened the petitioner to settle the issue with his wife and she is demanding amount of Rs.25 lakhs, which is not reasonable.

4. The learned Government Advocate (Crl.Side) has submitted that the petitioner has filed a divorce petition on 17.06.2021, which is yet to be numbered, on the ground of cruelty. He further submitted that the estranged wife of the petitioner namely, Durga had lodged a complaint to the respondent police on 24.03.2021 in CSR.No.164/2021 and the petitioner was directed to appear for enquiry on 04.05.2021, but he could not appear on that day for the reason he was tested positive for Covid-19. Subsequently, he was called to appear again on 29.06.2021, but on that day to he did not appear for enquiry.

5. Considered the submissions and perused the materials. It is seen that the petitioner/husband sent notice on 19.03.2021 seeking mutual divorce. Subsequently, he filed the divorce petition before the Family Court on 17.06.2021 on the ground of cruelty. On a perusal of grounds raised the petitioner, it is seen that the victim got married in the year 2019 and begotten female child, which is one year old. Thereafter, the petitioner's wife deserted him. The petitioner took no steps for the welfare of the minor child. Further, the petitioner's wife demanded Rs.25 Lakhs, but the petitioner failed to pay the same.

6. In view of the above, this Court directs that the petitioner shall appear before the respondent police on 12.07.2021. Thereafter, the respondent police shall refer the dispute between the parties to the Social Welfare Department, so as to resolve the dispute arrive of a consensus and thereafter, the respondent Police shall proceed with the complaint.

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

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar



dna
To

1.The Inspector of Police
W-29, All Women Police Station
Avadi
Chennai 600 054.

2.The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.11390 of 2021

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