



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.12332 of 2021

H.Shalman Khan

... Petitioner

Vs.

1. The Commissioner of Police,
O/o.the Commissioner of Police,
Chennai.
2. The Inspector of Police,
O/o.the Inspector of Police,
AWPS Thirumangalam Police Station,
Chennai District.

3. R.Sanjitha Sumaiya

... Respondents

PRAYER: Petition filed under Section 482 of Cr.P.C., to issue a direction, directing the 2nd respondent not to harass the petitioner under the guise of enquiry.

For Petitioner : Mr.S.M.A.Jinnah

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

ORDER

(This case has been heard through video conference)

This Criminal Original Petition has been filed seeking for a direction, directing the 2nd respondent not to harass the petitioner under the guise of enquiry.

2.The petitioner married the 3rd respondent on 07.05.2018. Thereafter due to some misunderstanding between them, the 3rd respondent had left the matrimonial house and lodged a complaint in Crime No.5 of 2019 on 03.04.2019. The marriage lasted less than a year. Thereafter, the petitioner filed Crl.O.P.No.16951 of 2019 and obtained anticipatory bail before this Court and the petitioner has been cooperating with the investigation.

3.The contention of the petitioner is that on 27.04.2021, he had sent a legal notice calling upon the 3rd respondent for re-



union but the same was refused by her. Thereafter on 10.06.2021 he had sent a Talaq-E-Hasan Notice. On 23.06.2021 at about 5.00 p.m. the respondent police called the petitioner and directed him to appear before them and also further directed the petitioner to recall the Talaq-E-Hasan Notice, stating that sending Talaq-E-Hasan Notice amounts to commission of offence. The petitioner would submit that he had only followed their personal law and Talaq-E-Hasan Notice was sent. The respondent police acted violating the principles laid down in D.K.Basu.

3.Mr.E.Raj Thilak, the learned Government Advocate (Crl. Side) would submit that in this case the petitioner was called for enquiry. Investigation in this case is almost completed and a final report will be made ready after ascertaining certain facts with the petitioner. Since it is a matrimonial dispute between the petitioner and the 3rd respondent, the respondent police had called him for enquiry, which the petitioner has now termed as harassment.

4.At this juncture, the learned counsel for the petitioner on instructions would submit that the petitioner is ready to appear before the respondent police on 05.08.2021 for enquiry.

5.Recording the above submissions, this criminal original petition stands closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner of Police,
O/o.the Commissioner of Police,Chennai.
2. The Inspector of Police,
O/o.the Inspector of Police,
AWPS Thirumangalam Police Station,
Chennai District.
3. The Public Prosecutor
High Court of Madras, Chennai 600 104.

Crl.O.P.No.12332 of 2021

SS(CO)
BE(29/07/2021)