



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2021

CORAM :

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.14360 of 2021

1. R. Selvam
2. Vignesh

...Petitioners

Versus

The State represented by its
Inspector of Police,
W-24, All Women Police Station,
Teynampet, Chennai 600 006

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent police not to harass the petitioners herein by appreciating the above stated facts and circumstances of the case.

For Petitioner : Mr. L. Gavaskar

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

ORDER

This petition has been filed to direct the respondent police not to harass the petitioners.

2. The contention of the petitioners is that they are father and sons. They have been constantly harassed by the respondent under the guise of enquiry on the complaint given by one Dhatchayani, who is none other than their relative and the said complaint is a motivated one. The petitioners have also explained to the respondent about the same, despite the same, they are constantly harassed by the respondent police.

3. The learned counsel appearing for the petitioners would submit that the defacto complainant is none other than the maternal uncle's daughter and she was having interest to marry the 2nd petitioner. But, the 2nd petitioner had no such love affair with the defacto complainant as alleged in the complaint.

4. The learned Government Advocate (Crl. side) appearing for the respondent would submit that one Dhatchayani lodged a



complaint on 26.07.2021 and CSR No.29 of 2021 assigned. In the complaint, there is specific allegation that the 2nd petitioner and the complainant Dhatchayani were in love affair for nearly 4 to 5 years and also living as husband and wife for all practical terms, which was known to the first petitioner, who is the father of the 2nd petitioner. Suppressing the said relationship, the 2nd petitioner had married another girl. In view of the same, the presence of the petitioners for enquiry is very much necessary.

5. I have considered the submissions made on either side and perused the materials available on records carefully.

6. Considering the submissions and from a perusal of the records, it is seen that the allegations made against the petitioners are serious in nature and hence, the appearance of the petitioners is very much necessary for enquiry, following the Lalithakumari case, as the issue involved in this case is with regard to a matrimonial dispute, enquiry is conducted. Therefore, calling the petitioners for enquiry is not a harassment.

7. In view of the same, the petitioner is directed to appear before the respondent police on 23.08.2021, 24.08.2021 and on further dates if required and thereafter, the respondent police is directed to proceed with the case in accordance with law.

8. With the above directions, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

mrp
To

1. Inspector of Police,
W-24, All Women Police Station,
Teynampet, Chennai 600 006

2. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.14360 of 2021

PL[co]
NSK 09/09/2021