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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.24773 of 2021

1.Kathar Moidheen
2.Laila
3.Nurjakan

... Petitioners

Versus

State Rep.by
The Inspector of Police,
AWPS, Ramanathapuram,
Coimbatore,
Coimbatore District.

... 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 under the guise of enquiry.

For Petitioners : Mr. M. Vijayaragavan

For Respondent : Mr. E. Raj Thilak,
Additional Public Prosecutor

O R D E R

This Criminal Original Petition is filed to direct the respondent police not to harass the petitioners under the guise of enquiry.

2. The grievance of the petitioners are that the first petitioner got married to one Nasrin on 13.01.2021. After marriage, they had set their matrimonial home separately and leaded their life happily, the said Nasrin got pregnant. After pregnancy, she had come to her parents home, where she got affected with Covid-19. The petitioners requested her to take treatment, but she refused, in the process, the baby died inside the womb. Hence, first petitioner's wife got affected with physiological disturbance, the petitioners and elders approached for reunion. But she was adamant not willing to join. Thereafter, the petitioner sent a legal notice on 27.08.2021, to his estranged wife, as a counter blast, she had lodged a



complaint on 06.11.2021 with false allegations. On the guise of enquiry, the respondent-police are constantly harassing the petitioners. The 2nd and 3rd petitioners are the parents of first petitioner, elderly persons they are living separately.

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3. The learned Additional Public Prosecutor appearing for the respondent would submit that on the complaint of petitioner's wife and finding that it is a matrimonial dispute, the petitioners were called for enquiry. Further, the petitioners admit that the first petitioner's wife was affected with corona, at the time she was pregnant, due to which the baby inside womb died. It is natural that in such circumstances, the person would be physiologically affected, and their behavior would not be normal. The respondent-police, following the Apex Court direction, to resolve the matrimonial dispute, called the petitioners for enquiry, so that the issue would be resolved. Instead of appearing before the respondent-police, the petitioners approached this Court terming the enquiry as harassment.

4. This Court finds that it a matrimonial dispute and the defacto complainant is physiologically affected due to the health issues and stress. In view of the same, the Inspector of Police, Ramanathapuram All Women Police Station is directed to forward the complaint of the petitioners to the Social Welfare Officer, Ramanathapuram, who on receipt of the same, conduct enquiry, take steps for re-union of first petitioner and defacto complainant. The petitioners shall appear before the Social Welfare Officer, cooperate with the enquiry make earnest effort to resolve the matrimonial dispute. The victim has been deeply wounded. The petitioners and the defacto complainant Nasrin are directed to appear before the Social Welfare Officer, on receipt of summons or information. Thereafter, the Social Welfare Officer, is directed to conduct the mediation and take steps to resolve the issues between the petitioners and the defacto complainant Nasrin.

5. With the above direction, this criminal original petition is disposed of.

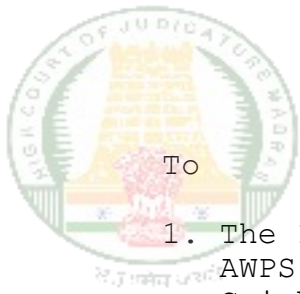
Sd/-

Assistant Registrar(CS IX)

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Sub Assistant Registrar

AT



To

1. The Inspector of Police,
AWPS, Ramanathapuram,
Coimbatore,
Coimbatore District.
2. The Public Prosecutor,
High Court, Madras.
3. The Social Welfare Officer,
Ramanathapuram.

CRL.O.P.No.24773 of 2021

EV[co]
NSK 12/01/2022