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CRL.O.P(MD).No.1448 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 02.07.2021

DELIVERED ON : 19.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE **G. ILANGO VAN**

CRL.O.P (MD) .No.1448 of 2021

1.A.Rajendran

2.A.Chinnathai

3.A.Sasikala

... Petitioners

Vs.

1. The Superintendent of Police,
District Police Office,
Madurai District.

2.Annadurai,
The Sub-Inspector of Police,
Nagamalai Pudukottai Police Station,
Madurai District,
Madurai.

3.G.Malarkodi

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the second respondent not to harass the petitioners under the guise of enquiry without any proper reason or valid complaint against them.

For Petitioner : Mr.R.Muruga Boopathy
For R1 & R2 : Mr.R.M.Anbunithi
Additional Public Prosecutor

O R D E R

This petition has been filed to direct the second respondent not to harass the petitioners under the guise of enquiry.

2. The case of the petitioner is that the petitioner is working as Foreman in TANGEDCO in Solavanthan. The third respondent is the wife of the first petitioner. Because of the arrogant and cruel behavior of the third respondent, he is separated from his wife and living separately by taking a house on lease in Door No.16, Lakshmi



Nagar, Thuvariman, Madurai. In spite of best efforts taken by the petitioner to solve the issues, the third respondent had frequently quarreled with the 1st petitioner and abused him in filthy language. Since the lease period was over, the petitioner has decided to hand over the possession to the owner. But the third respondent has refused to vacate the house and forcibly got the key from the first petitioner with the help of the second petitioner. Therefore, the first petitioner went to the house of the landlord namely Rajagopalan on 10.01.2021 to explain the situation. But the third respondent came there and assaulted the first petitioner. Suppressing the above facts, she lodged a false complaint against the petitioner. Further, the second respondent is pressurizing the petitioner to hand over a sum of Rs.1,00,000/- and order the house owner to hand over the lease amount to the third respondent. Later, the petitioner filed a divorce petition in H.M.O.P.No.73 of 2021 before the Family Court, Madurai. Based on the false complaint given by the third respondent, the second respondent is continuously harassing the petitioner. Hence, the present petition has been filed.

3. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent Nos.1 and 2.

4. When the matter is taken up for hearing, the learned Additional Public Prosecutor submitted that based on the complaint given by one Rajagopal, enquiry was undertaken in C.S.R.No.381 of 2021 and thereafter, the complaint was closed.

5. From the records, it is seen that it is a matrimonial dispute between the first petitioner and the third respondent. In respect of which, H.M.O.P.No.73 of 2021 has been filed before the Family Court, Madurai. The grievance of the petitioner is that at the instigation of the third respondent, the second respondent is pressurizing the petitioner to give a sum of Rs.1,00,000/- and the lease amount. A copy of the closure report is also circulated wherein the complaint given by the owner namely Rajagopalan against this petitioner and the third respondent is also enclosed.

6. It is seen from the additional typed set of papers that a complaint given by the third respondent against the original owner namely Rajagopalan, was enquired in C.C.No.20 of 2021. During the course of enquiry, both the parties have entered into an agreement and stated that they will resolve the disputes amicably. Therefore, the complaint was closed.

7. But, now in the affidavit filed by the petitioner, it is stated that the second respondent has forcibly attacked the petitioner to hand over the possession and lease amount to her and she made a false complaint before the All Women Police Station,



Samayanallur. Only on that ground, the second respondent is continuously harassing him. Further, without adding the original owner namely Rajagopalan as a party in this petition, it may not be proper on the part of this Court to discuss all those facts. Because of the dispute between the petitioner and the third respondent, a continuous trouble arose between them as well as the original owner of the property, in which, the petitioner and the third respondent were residing as lessees. Therefore, the original owner namely Rajagopalan has given a complaint. As a counter complaint, the third respondent has given a complaint. After due enquiry, the complaints were also closed.

8. In view of the above, I do not find any merit to consider this petition. However, if at all any grievance exists for the petitioners, the petitioners are at liberty to work out their remedy before the appropriate forum, in which H.M.O.P.No.73 of 2021 is pending. Hence, this Criminal Original Petition stands closed.

Sd/-

Assistant Registrar(AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ssb

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Superintendent of Police,
District Police Office,
Madurai District.
2. The Sub-Inspector of Police,
Nagamalai Pudukottai Police Station,
Madurai District, Madurai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Order in
CRL.O.P(MD) .No.1448 of 2021
19.07.2021

PM(CO)

TR(02.08.2021) 3P 4C

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