



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.06.2021

CORAM:

THE HONOURABLE **MR.JUSTICE A.A.NAKKIRAN**

Crl.O.P. (MD)No.2846 of 2021

WEB COPY

1.P.A.Manikandan

2.P.A.Ishwarya Priya

... Petitioners

Vs.

1.The Commissioner of Police
Madurai City, Madurai

2.The Assistant Commissioner of Police
Anti-Dowry Cell
Chamber No.54
Commissioner Office
Madurai

3.M.K.Devi Sri

... Respondents

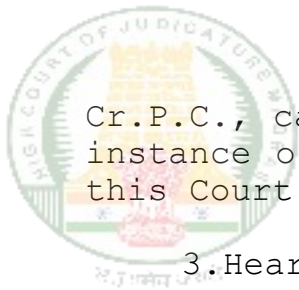
PRAYER : Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the second respondent not to interfere with family dispute which is subject matter of H.M.O.P.No.65 of 2021 on the file of Family Court, Madurai and not to harass the petitioners unnecessarily under the guise of enquiry on the complaint preferred by the third respondent.

For Petitioners : Mr.V.P.Rajan
For R1 & R2 : Mr.M.Muthumanikkam,
Government Advocate(Crl.side)

ORDER

This petition has been filed to direct the second respondent not to interfere with family dispute which is subject matter of H.M.O.P.No.65 of 2021 on the file of Family Court, Madurai and not to harass the petitioners unnecessarily under the guise of enquiry on the complaint preferred by the third respondent.

2.The learned counsel appearing for the petitioners submitted that the first petitioner and the third respondent are husband and wife and the second petitioner is the sister of the first petitioner. Due to the difference of opinion themselves, the first petitioner had filed a divorce petition in HMOP.No.65 of 2021 before the Family Court, Madurai on the ground of cruelty and it is pending. The grievance of the petitioners is that the second respondent without following procedure contemplated under the



Cr.P.C., called the first petitioner for enquiry and harassed at the instance of the third respondent. Hence, the petitioners are before this Court.

3.Heard the learned counsel appearing on either side.

4.Whatever might be the circumstances, the second respondent police is directed to follow the principles laid down by the Hon'ble Apex Court in **D.K.Basu Vs. State of West Bengal reported in AIR (1997) SC 610**, while enquiring the petitioner.

5.With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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 Commissioner of Police
Madurai City, Madurai

2.The Assistant Commissioner of Police
Anti-Dowry Cell
Chamber No.54
Commissioner Office
Madurai

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Cr1.O.P. (MD)No.2846 of 2021

07.06.2021

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