



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reservation	17.08.2021
Date of Order	28.10.2021

WEB COPY

CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VANCrl.O.P. (MD) No.5867 of 2021

S.Sathiyasekaran : Petitioner

Vs.

1.The Inspector of Police,
All Women Police Station,
Dindigul,
Dindigul District.

2.Usha Rani : Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the 1st respondent herein not to harass the petitioners in the name of enquiry by compelling the petitioner to marry the 2nd respondent.

For Petitioner : Mr.S.Ramasamy

For 1st Respondent : Mr.R.M.Anbunithi
Additional Public ProsecutorFor 2nd Respondent : Mr.S.Mohammad Kasim**O R D E R**

This petition is filed seeking for direction to the 1st respondent herein not to harass the petitioner in the name of enquiry, by compelling him to marry the 2nd respondent herein.

2.The case of the prosecution is that the 2nd respondent is the de-facto complainant has given a complaint stating that she had affairs with this petitioner and thereafter, she insisted the petitioner to marry her and on refusal, she was assaulted. On the basis of the complaint given by the 2nd respondent herein, the petitioner has been called for enquiry and during the course of enquiry, a threat was made to the petitioner to marry the 2nd respondent, which the 1st respondent has no right to direct.



3. Notice was ordered to the 2nd respondent and she also entered appearance through Advocate.

4. Heard both sides.

5. Counter has also been filed by the 2nd respondent. The learned Additional Public Prosecutor would submit that based on the complaint given by the 2nd respondent, enquiry was undertaken in CSR No.149 of 2021. But however without responding or attending the enquiry, the petitioner has suddenly filed the petition in order to overcome and evading the enquiry process.

6. The learned counsel appearing for the petitioner would submit that the petitioner moved similar petition in CrI.OP(MD)No.4456 of 2020 seeking a relief that he should not be harassed by the first respondent police on the basis of the complaint given by the 2nd respondent herein. When that matter was disposed of, an observation was made to the effect that if at the petitioner is to be enquired, proper summon must be served upon him.

7. The learned counsel for the petitioner would further submit that even after the said order, no summon was not issued to the petitioner, in-spite of his appearance before the enquiry officer on 20.07.2021 and during that enquiry, only he was pressurised.

8. A copy of the complaint that has been given by the 2nd respondent has also been forwarded to this court. The enquiry file in CSR No.149 of 2021 was also circulated to this court, which is dated 22.04.2021.

9. In the complaint, the 2nd respondent has stated that she was a divorcee and this petitioner approached her through his friend offering marriage. At that time, this petitioner appears to have told that he was also divorcee, but however had a child. It is also stated he is working in Government Department. After the formalities, on 18.06.2019, she was taken to the house of the petitioner along with her parents. On 20.06.2019, in the presence of the relatives and the parents of both parties, the marriage was performed in the Ottapalam Murugan Temple, Pudukkottai and after the marriage, they were living separately and during that time, it was brought to the notice that this petitioner was having two children. Because of the cohabitation, she conceived. But the petitioner compelled her to abort the child and on refusal she was also assaulted. Because of the forcible threat, the child aborted. But later the petitioner started harassing her and also abused her. So she tried to commit suicide. Apart from that, this petitioner and his family members demanded 25 sovereigns of jewels and Rs.1 Lakh money. On the basis of the above said complaint, enquiry has been undertaken and during the course of enquiry, the petitioner and his family members did not cooperate, So, she withdrew the complaint stating that she will workout her remedy through court process. So it was closed on 15.06.2016. The 2nd respondent has also produced



the photographs showing the marriage took place between her and the petitioner herein.

10.I find absolutely no merit in the contention of the petitioner. Whether the marriage took place between the petitioner and the 2nd respondent is true or not, cannot be a matter for discussion in this petition. It is to be elaborately dealt with through the civil process. Further, as undertaken by the 2nd respondent, she can very well initiate civil process against the petitioner, so that the truth will come out. Even without attending the enquiry conducted by 1st respondent police, this petitioner approached this court seeking direction. Absolutely, I find no bona-fideness on the part of the petitioner. But however, the complaint given by the 2nd respondent has been closed, on her undertakings. Liberty is given to the 2nd respondent to work out her remedy through proper court. Nothing survives in this petition. So, harassment not exists or continue to exist.

11.With the above said liberty and observation, this Criminal Original Petition stands **dismissed as infructuous**.

Sd/-

Assistant Registrar (CS-I)

// 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 Inspector of Police,
All Women Police Station,
Dindigul, Dindigul District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Cr1.OP(MD)No.5867 of 2021
28.10.2021