



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.06.2021

CORAM

THE HONOURABLE **MR. JUSTICE G. CHANDRASEKHARAN**

Crl.O.P. (MD)No.7374 of 2021

J.Sushmitha Susan

... Petitioner

Vs.

1.The Superintendent of Police,  
Thoothukudi District.

2.The Inspector of Police,  
Arumuganery Police Station,  
Thoothukudi District.

3.S.D.Hameed Hilmi

... Respondents

**Prayer** : Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondents not to harass the petitioner in the name of the enquiry, based on the complaint given by the third respondent in Crime No.102 of 2021 under Section women missing before the second respondent police.

|                |                                                        |
|----------------|--------------------------------------------------------|
| For Petitioner | : Mr.A.Senthilkumar                                    |
| For R1 & R2    | : Mr.M.Muthumanikkam,<br>Government Advocate(Crl.side) |

**ORDER**

This criminal original petition has been filed to direct the respondents not to harass the petitioner in the name of the enquiry, based on the complaint given by the third respondent in Crime No.102 of 2021, under the caption 'women missing', before the second respondent police.

2.It is seen from the petition averments that this petitioner and the defacto complainant's wife, Yusura are friends. It appears that there is some misunderstanding between the third respondent, who is the defacto complainant in this case and his wife. On the day before she was missing, she had contacted the petitioner through phone and discussed about her family dispute. She also asked the petitioner to accompany with her to meet a Lawyer and the petitioner also accepted for the same. Thereafter, the said Yusura did not call her and switched off her mobile phone. This case was registered for the missing of the said Yusura and the respondent police enquired the petitioner through phone about the said Yusura. On 31.05.2021, the second respondent through his subordinates came in person and enquired about the said Yusura and the petitioner also informed whatever she knows about Yusura and she has also given written statement to the second respondent and given an undertaking that if she comes to know about Yusura, she will inform the same to the police. Though the petitioner has been cooperating with the



respondent police, they have been repeatedly calling her over phone and harassing her in the name of enquiry. Therefore, this petition.

3.The learned counsel for the petitioner submitted that this is undue harassment committed on the petitioner by the respondent police, merely because she is the friend of the said Yusura. He further submitted that the said Yusura had sent email to the defacto complainant and to the Superintendent of Police intimating that she was not willing to live with her husband. Hence, the Police can proceed with the email address as a lead and verify where from it was sent. Had it been done, they would have secured the said Yusura by this time. It appears that they have not done the same, instead, they are harassing the petitioner.

4.The learned Government Advocate(Crl.side) appearing for the first and second respondents submitted that there is specific allegation in FIR that the defacto complainant suspected that the petitioner is hiding his wife or she knows information about his wife. The police is investigating this case and so far, they are not able to secure the missing woman. It is also submitted that the petitioner is not cooperating with the enquiry.

5.Perusal of FIR shows that the wife of the defacto complainant Yusura is missing from 28.04.2021. It is specifically stated in FIR that the defacto complainant strongly suspected that the petitioner is hiding his wife or she knows information about his wife. When there is specific allegation against the petitioner with regard to the missing of wife of the defacto complainant, the petitioner has to cooperate with police in their enquiry to trace the missing woman. Hence, the enquiry conducted by the respondent police cannot be said a nuisance or an illegal act.

6.During the course of hearing, the learned counsel for the petitioner submitted that the petitioner is willing to co-operate with the enquiry. Recording the said submission, this Court directs the petitioner to co-operate with the enquiry and the respondent police are directed to expedite the enquiry and bring the matter to logical conclusion, by following due process of law, at the earliest point of time.

7.With the above observations, this criminal original petition is closed.

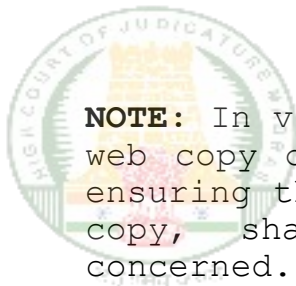
Sd/-

Assistant Registrar (ADII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



**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.

WEB COPY

To

- 1.The Superintendent of Police,  
Thoothukudi District.
- 2.The Inspector of Police,  
Arumuganery Police Station,  
Thoothukudi District.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

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KB(17.06.2021) 3P 4C