



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No.19933 of 2021

P.Pitchaikkannu

... Petitioner/ Aggrieved Person

Vs.

1.The Commissioner of Police,
Tirunelveli City.

2.The Inspector of Police,
All Women Police Station,
Palayamkottai,
Tirunelveli City.

3.B.Sangeetha

4.The Inspector of Police,
Perumalpuram Police Station,
Tirunelveli City.
(R.4- Suo motu impleaded as per order
of this Court dated 15.12.2021 in
Crl.O.P. (MD)No.19933 of 2021)

... Respondents/ Respondents

Prayer : Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the Inspector of Police, All Women Police Station, Palayamkottai, Tirunelveli City, the second respondent herein not to harass the petitioner in the name of holding an enquiry on a complaint given by the third respondent.

For Petitioner : Mr.R.Anand

For Respondents : Mr.M.Sakthi Kumar
Government Advocate (Criminal Side)
for R.1,R.2 & R.4

ORDER

The petitioner and the third respondent are husband and wife. The third respondent has given a complaint before the second respondent as well as the fourth respondent. According to the petitioner, the third respondent has given a complaint before the



second respondent as well as the fourth respondent. The learned Government Advocate (Criminal Side) would further assert that the complaint against the petitioner is pending only before the fourth respondent.

2. Be that as it may, whether it is second respondent or fourth respondent, they can not orally summon the petitioner and they can only summon in writing. After the commencement of the enquiry, it shall be concluded within two weeks thereafter.

3. In these circumstances, in the interest of justice, the following directions are issued:

(a) If the jurisdictional police come to the conclusion that the issue is purely civil in nature, the complaint shall be closed; and

(b) If the police come to the conclusion that cognizable offence is made out against the petitioner, an FIR can be registered, but, the petitioner will be given due notice of the same, so that, they will have breathing time to move the concerned Court for the relief of anticipatory bail.

4. This Writ Petition is disposed of, accordingly. No costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2022

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,
Tirunelveli City.

2.The Inspector of Police,
All Women Police Station,
Palayamkottai,
Tirunelveli City.



3.The Inspector of Police,
Perumalpuram Police Station,
Tirunelveli City.

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

CrI.O.P. (MD) No.19933 of 2021
22.12.2021

RK(07/01/2021) 3P 5C