



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:21.02.2022

CORAM:

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.3632 of 2022

Kumaresan

... Petitioner

Vs

1. The Inspector of Police,
W-34, All Women Police Station,
Ennore, Chennai 600 057.

2. The Inspector of Police,
M-5, Ennore Police Station,
Ennore, Chennai 600 057.

3. M.Nithya

... Respondents

Prayer:Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondents 1 and 2 to register the complaint of the petitioner and take necessary action to evict Nithya from the house of the petitioner and to take back the custody of the daughter of the petitioner from Nithya and handover the same to the petitioner.

For Petitioner : M/s.R.Swarnalatha Mahesh

For Respondents : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking a direction to the respondents 1 and 2 to register the complaint of the petitioner and take necessary action to evict Nithya from the house of the petitioner and to take back the custody of the daughter of the petitioner from Nithya and handover the same to the petitioner.



2. The case of the petitioner is that there was a matrimonial issue between the petitioner and his wife Nithya/third respondent. While so, the said Nithya/third respondent along with her mother and sister gave a police complaint at the MKB Nagar Police Station on 23.09.2017. The petitioner made a claim of her Sreedhana property and custody of their girl child that she was not interested in living with the petitioner and continue the marital relationship. The petitioner on the advice and suggestion of the police, handed over all the sreedhana, including jewels, utensils, clothes etc., on 24.09.2017 and the petitioner also handed over the custody of his daughter Jagathy to Nithya.

3. Further, the Nithya/3rd Respondent has not vacated the petitioner's house and she is threatening the petitioner. The petitioner also filed a petition for divorce before the Subordinate Court at Ponneri in HMOP No.335 of 2017 and obtained an exparte order, as his wife has not appeared before the Subordinate Court and chose to remain silent. Thereby, the present petition has been filed.

4. Mr.V.Meganathan, learned Government Advocate (Crl. side) would submit that the dispute between the petitioner and the 3rd respondent is a matrimonial dispute and the petitioner was advised to approach the proper forum.

5. Heard both sides and perused the materials available on record.

6. The dispute between the Petitioner and the 3rd Respondent is a matrimonial dispute. The petitioner has also handed over the custody of the daughter to the 3rd respondent and he has also obtained exparte order of divorce in HMOP No.335 of 2017 on 17.12.2018. Therefore, the petitioner is directed to approach the appropriate forum for the present prayer.

7. With this above observation, this Criminal Original Petition stands disposed of.

Sd/-

Assistant Registrar(CS-VII)

// True Copy //

Sub Assistant Registrar



shk/sai

To

1.The Inspector of Police,
W-34, All Women Police Station,
Ennore, Chennai 600 057.

2.The Inspector of Police,
M-5, Ennore Police Station,
Ennore, Chennai 600 057.

3.The Public Prosecutor,
Madras High Court,
Madras.

+lcc to M/s.R.Swarnalatha Mahesh, Advocate SR.No.11292

Cr1.O.P.No.3632 of 2022

MT (CO)
CB(21/03/2022)