



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.01.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.627 of 2022

S.Arifa

... Petitioner

Vs.

1. The Superintendent of Police,
Dindigul District,
Dindigul.
2. The Inspector of Police,
Dindigul Town South police station,
Dindigul, Dindigul District.

3.Sulthan Alavudeen

4. Aisakani

... Respondents

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to direct respondents 1 and 2 to investigate the complaint dated 06.12.2021 preferred by the petitioner in accordance with law.

For Petitioner : Mr.M.Ajmal Khan,
Senior Counsel,
for M/s.Ajmal Associates.

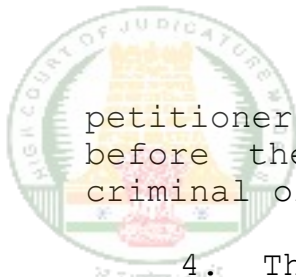
For Respondents : Mr.M.Veeranthiran,
Government Advocate (Crl. Side).
* * *

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for respondents 1 and 2.

2. Considering the nature of relief to be granted, issuance of notice to respondents 3 and 4 is dispensed with.

3. The petitioner got married to the third respondent on 16.04.2017 as per the Muslim rites and customs. A male child was born through the said wedlock. The marital relationship appears to have come under strain. According to the petitioner, she was having the custody of the child. While so on 27.11.2021, the child was forcibly taken away from her. This is the allegation made by the



petitioner. The petitioner has given a complaint dated 06.12.2021 before the respondent police. Since no action was taken, this criminal original petition came to be filed.

4. Though the contentions advanced by the learned Senior counsel are quite persuasive, since it is a matrimonial issue involving custody over the child, I am hesitant to pass any order on merits in this criminal original petition. Only for this reason, I relegate the petitioner to move the jurisdictional Court / Family Court / District Court.

5. The learned Senior counsel states that the petitioner will file a petition for guardianship and custody of child within one week from the date of receipt of a copy of this order. On such petition being filed, the jurisdictional Court will number the same and give a disposal to the I.A that is to be filed by the petitioner seeking custody of the child. Such I.A. will be disposed of on merits and in accordance with law after enquiring the petitioner and the private respondents and also the child in question within a period of four weeks, thereafter.

6. With this direction to the jurisdictional Court, this criminal original petition is disposed of. I make it clear that I have not gone into the merits of the matter.

Sd/-

Assistant Registrar (A.D.II)

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/ /2022

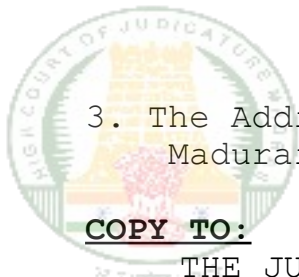
Sub Assistant Registrar(CS)

PMU

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 Superintendent of Police,
Dindigul District,
Dindigul.
2. The Inspector of Police,
Dindigul Town South police station,
Dindigul, Dindigul District.



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

COPY TO:

THE JUDGE,
FAMILY COURT, DINDIGUL

WEB COPY

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-2560[F] dated
27/01/2022)

Crl.O.P.(MD)No.627 of 2022
25.01.2022

_RD(27.01.2022) 3P 6C