



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2022

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CrI.O.P(MD)No.1803 of 2022

R.Surya ... Petitioner
Vs.

1.State Rep. by
The Superintendent of Police,
Theni,
Theni District.

2.The Inspector of Police,
All Women Police Station,
Aundipatti,
Thenis District.

3.Vishalini ... Respondents

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the 1st respondent to instruct the 2nd respondent not to harass the petitioner in the guise of enquiry on the basis of the false complaint given by the third respondent herein based on the petitioner's representation dated 25.12.2022.

For Petitioner : Mr.S.Vikram
For Respondents : Mr.M.Sakthi Kumar,
Govt. Advocate (CrI. Side) for R1 & R2.

Mr.Prabhakaran for R3

O R D E R

Heard the learned counsel for the petitioner, the learned Government Advocate (CrI. Side) for the respondents 1 and 2 and the learned counsel for the third respondent.

2. The petitioner alleges harassment at the hands of the respondent police. To forbear them from doing so, this criminal original petition has been filed.

3.When the matter was taken up for hearing, the learned Government Advocate (CrI. Side) submitted that the enquiry on the third respondent's complaint was conducted and closed on 11.12.2021. However, it was based on certain terms and conditions.



4. At this stage, the learned counsel for the third respondent submitted that the petitioner did not adhere to the undertaking given before the respondent police and that since dowry allegations are there, the matter has been referred to the social welfare officer.

5. Since there is a possibility of revival of the enquiry, the following directions are issued:-

(i) The petitioner will be summoned only by way of written summon. There is no question of orally summoning the petitioner.

(ii) The respondent police will conclude the enquiry on merits and in accordance with law within a period of two weeks after the appearance of the petitioner.

(iii) If the matter is purely civil in nature, the respondent police will close the complaint.

(iv) If cognizable offence is made out and if the respondent police proposes to register any FIR, the petitioner will be given due notice so that the petitioner will have breathing time to move the concerned Court for the relief of anticipatory bail.
The criminal original petition is disposed of accordingly.

Sd/-

Assistant Registrar (CS-I)

// 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 Superintendent of Police,
Theni,
Theni District.
- 2.The Inspector of Police,
All Women Police Station,
Aundipatti,
Thenis District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.T.ANTONY ARUL RAJ, Advocate (SR-3594[F]dated 02/02/2022

ORDER MADE IN
CrI.O.P (MD)No.1803 of 2022
01.02.2022

PKP/22.03.2022/3P/5C