



WEB COPY

CrI.O.P(MD)No.21015 of 20



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.11.2022

CORAM :

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CrI.O.P(MD).No.21015 of 2022

M.Manikandan,

: Petitioner

Vs

1. The Superintendent of Police,
Sivagangai, Sivagangai District.

2. The Inspector of Police,
SIPCOT Police Station,
Manamadurai,
Sivagangai District.

3. Nivedha,

: Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to direct the 1st and 2nd respondents herein not to harass the Petitioner based on the Petitioner's representation, dated 23.11.2022.

For Petitioner : Mr.K.Sudalaiyandi

For R1 and R2 : Mr.R.Suresh Kumar
Government Advocate (CrI.Side)



ORDER

This criminal original petition had been filed seeking a direction to the the first and second Respondents herein, not to harass the Petitioner based on the Petitioner's representation, dated 23.11.2022.

2.The learned Counsel appearing for the Petitioner submits that this petition had been filed seeking a direction against the Respondents 1 and 2. The third Respondent is the wife of the Petitioner. Due to matrimonial dispute, the third Respondent lodged a complaint under Domestic Violence Act in D.V.No.23 of 2019, before the Additional Mahila Court cum Judicial Magistrate, Ramanathapuram. While so, she had preferred a complaint with the second Respondent. Based on that, the second Respondent is causing harassment to the Petitioner by summoning him at odd hours. Hence this petition had been filed.

3.The learned Government Advocate (Crl.Side) submits that after due enquiry, the complaint in D.V.No.23 of 2019 was ordered in favour of the third Respondent herein. Based on which, the third Respondent had approached the second Respondent for enforcement of the order passed in D.V.No.23 of 2019. Hence, the Petitioner cannot seek any direction to nullify the order passed by



the learned Judicial Magistrate, Additional Mahila Court, Ramanathapuram.

Therefore, this petition is not maintainable and the same may be dismissed.

4.By way of rejoinder, the learned Counsel appearing for the Petitioner submits that the Petitioner has one month time to file an Appeal against the order passed by the learned Judicial Magistrate, Additional Mahila Court, Ramanathapuram, dated 15.11.2022. Therefore, the Petitioner seeks the Respondents 1 and 2 not to harass him.

5.In the light of the above, the second Respondent shall act only if there is no stay from the Sessions Court concerned till the disposal of the Appeal filed by the Petitioner agitating his right before the learned District and Sessions Judge concerned against the order passed by the learned Judicial Magistrate, Additional Mahila Court, Ramanathapuram. The second Respondent has to wait to act as per the order of the learned Judicial Magistrate, Additional Mahila Court, Ramanathapuram. Till the Sessions Court concerned issues appropriate orders, the second Respondent is directed not to cause harassment to the Petitioner. The Petitioner is also directed that he shall file the Appeal before the learned Sessions Judge, Ramanathapuram, within a month and shall obtain appropriate Orders. Failure to do so this Order will be



automatically vacated and the Respondents-2 shall act according to the Order passed by the Court.

6. With the above direction, this criminal original petition is disposed of.

28.11.2022

Index : Yes/No
Internet : Yes/No
lr

To

1. The Superintendent of Police,
Sivagangai, Sivagangai District.

2. The Inspector of Police,
SIPCOT Police Station,
Manamadurai,
Sivagangai District.

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



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SATHI KUMAR SUKUMARA KURUP, J.

lr

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