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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.19220 of 2023
and Crl.MP.No.12926 of 2023

1.G.Narayanamoorthy, M/77 Y
S/o.Shri.Gopala Krishna Sharma

2.Mrs.Usha Rani, F/67 Y
W/o.Mr.G.Narayanamoorthy

3.Mrs.Aruna Prakash, F/39 Y
D/o. Mr.G.Narayanamoorthy

.. Petitioners

.Vs.

The State rep.by
Inspector of Police
W-7, All women's Police Station
Anna Nagar
Chennai 600 040.

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and summon dated 05.08.2023 on the file of the respondent insofar as the petitioners are concerned.

For Petitioners : Mr.J.Deliban

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.side)

ORDER

The notice that was issued by the respondent to the petitioners asking them to attend an enquiry based on the complaint given by one Ida Scrudder, has been put to challenge in this criminal original petition.



2. Heard Mr.J.Deliban, learned counsel for the petitioners and Mr.A.Gopinath, learned Government Advocate (Crl.side) for the respondent.

3. On going through the entire materials, it is seen that there is a matrimonial dispute between the complainant and her husband and there was also some settlement between the parties and they entered into a memorandum of understanding. Thereafter, the complainant was not satisfied with the compromise and hence, a complaint has been given before the respondent police.

4. On the face of it, it is seen that it is a matrimonial dispute between the complainant and her husband. The petitioners are the in-laws and they should not be harassed by calling for an enquiry in a matrimonial dispute. In view of the same, it is left open to the respondent police to conduct the enquiry by calling the husband and recording his statement. Ultimately, it is left open to the respondent police to take a decision by keeping in mind the judgment of the Apex Court in ***Lalitha Kumari vs. Government of Uttar Pradesh*** reported in **2013 (6) CTC 353**.

5. This criminal original petition is disposed of accordingly. Consequently, connected miscellaneous petition is closed.

29.08.2023

Index : Yes/No
Internet : Yes/No



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To

1. Inspector of Police
W-7, All women's Police Station
Anna Nagar
Chennai 600 040.

2. The Public Prosecutor
High Court, Madras.



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N. ANAND VENKATESH,, J.

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