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Crl.O.P.No.24571 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.24571 of 2022

P.Sarala

... Petitioner

Vs.

The Inspector of Police,
K-2 Police Station,
Ayanavaram,
Chennai – 600 023.

... Respondent

Prayer : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code to direct the respondent not to harass the petitioner based upon the complaint given by one Mr.Vijayakumar date not known to the petitioner.

For Petitioner : Mr.Madhu Prakash

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

This Criminal Original Petition is filed by the petitioner to direct the respondent police not to harass the petitioner.



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2.The contention of the petitioner is that the petitioner's daughter Mahalakshmi was given marriage to one Vijayakumar, there was some matrimonial dispute between the said Vijayakumar and Mahalakshmi, H.M.O.P.No.4852 of 2021 was filed and the same is pending before the learned Additional District Judge, Family Court, Chennai. To spike vengeance, a false complaint has been lodged by the said Vijayakumar against the petitioner. It is further submitted that a property has been developed by the petitioner, the petitioner was granted Power of Attorney by the said Vijayakumar and based on the said Power of Attorney, she constructed a building and put two persons on lease. Now for the reasons best known, a false complaint was lodged as though the petitioner is squatting on the property of the said Vijayakumar. The respondent police failing to consider that the petitioner is a senior citizen aged about 65 years causing harassment and calling her to the Police Station at odd hours frequently. Hence, the present petition is filed.



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WEB COPY 3.Heard Mr.Madhu Prakash, learned counsel appearing on behalf of the petitioner.

4.Learned Additional Public Prosecutor submits that on the complaint of Vijayakumar, C.S.R.No.291 of 2022 was assigned, the petitioner was called for enquiry and notice under Section 41A Cr.P.C. was issued. He would submit that notice was received by one Sinthya on 03.09.2022 informing that the petitioner was not well and hospitalized and the petitioner would appear for enquiry on 05.09.2022. But the petitioner failed to appear for enquiry. Despite the same, enquiry was conducted and finding that it is purely a family and civil dispute with the available materials, enquiry was completed and closed on 22.09.2022. He further submitted that the respondent police has nothing to do with the petitioner in this regard. A scanned reproduction of the endorsement for the copy of summon served on 03.09.2022 is as follows:



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പ്രതിപാദനം

[illegible]

உதவி காவல் ஆய்வாளர்
சட்டம் & ஒழுங்கு 0309, 2022,
கே-2, அபனாவரம், காவல் திணைப்பாடு
அபனாவரம், சென்னை-600 023.

5. Finding that the enquiry has been conducted and closed on 22.09.2022, nothing survives in this petition. Hence, the Criminal Original Petition is disposed of.

13.06.2023

Index : Yes/No
Speaking Order/Non-Speaking Order
cse



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To

1.The Inspector of Police,
K-2 Police Station,
Ayanavaram,
Chennai – 600 023.

2.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

cse

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