



Crl.O.P.No.27005 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.27005 of 2022

N.Raja Madeshwaran

... Petitioner

Vs.

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

2.The Inspector of Police,
Perundurai Police Station,
Erode District.

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code to direct the second respondent not to harass the petitioner except due process of law.

For Petitioner : Mr.E.Aneesh Vinayak
for Mr.C.Deepak Kumar

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioner filed this petition seeking for a direction to the second respondent not to harass the petitioner.



2.The contention of the petitioner is that he is a Wire Man in Tamil

Nadu Electricity Board and in the year 1994, he married one Papathi.

Within one month from the date of marriage, the aforesaid Papathi had eloped with the petitioner's own brother, namely, Senthil Kumar and started living with him. Out of their wedlock, they had a female child, namely, Kalpana. Thereafter, in the year 1998, the petitioner moved a divorce petition before the Sub Court, Mettur and got divorce in the year 2003. Subsequently, the petitioner had married one Tamil Selvi and they have been living as husband and wife since then. In the meantime, the petitioner's brother Senthil Kumar died on 22.09.2018. After his demise, in order to grab the petitioner's property, the petitioner's first wife, namely, Papathi and her daughter Kalpana are pressurizing him to execute a registered Will in their favour. When he resisted to do so, the abovesaid Papathi and Kalpana lodged a false complaint against the petitioner and he has been harassed in the guise of enquiry. Hence, he filed this petition.

3.Learned Additional Public Prosecutor for the respondents submits that on the complaint given by the second wife Tamil Selvi stating that her



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husband was found missing, a case of 'man missing' in Crime No.707 of 2022 was registered and for the purpose of investigation, the petitioner was called for enquiry. Learned Additional Public Prosecutor produced a copy of the order dated 23.03.2023 passed by the Division Bench of this Court in H.C.P. No.431 of 2023, which was filed by the abovesaid Tamilselvi for production of the body of the petitioner before this Court and the same was later withdrawn by her.

4.Considering the submissions made and on perusal of the materials, this Court is of the view that the case in Crime No.707 of 2022 would be closed since the petitioner is very much available and petitioner's apprehension that he is being harassed is not sustainable. Hence, this Criminal Original Petition is dismissed.

13.06.2023

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



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M.NIRMAL KUMAR, J.

vga

To

- 1.The District Superintendent of Police,
Erode District, Erode.
- 2.The Inspector of Police,
Perundurai Police Station,
Erode District.
- 3.The Public Prosecutor,
High Court, Madras.

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