



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.02.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.465 of 2023

WEB COPY

Alagesan

... Petitioner/Sole Accused

-vs-

1.State represented by
The Inspector of Police,
Gudalur South Police Station,
Theni District.
(in Cr.No.Not known of 2023)

... Respondent/Complainant

2.Sneha

... 2nd Respondent

(R2 was *suo motu* impleaded as per
the order of this Court, dated
09.01.2023 in CRL OP(MD).465/2023 by
GIJ)

PRAYER: Criminal Original Petition filed under Section 438 of
Cr.P.C, praying to enlarge the petitioner on bail in the event of
his arrest by the respondent Police with respect to Cr.No.not known
of 2023.

For Petitioner : Mr.S.Sundarapandian, Advocate
For R1 : Mr.A.Albert James
Government Advocate (Crl.side)
For R2 : Mr.K.Guhan, Advocate

ORDER

When the matter is taken up for hearing, the learned Government Advocate (crl.side) would submit that on the complainant given by the de-facto complainant, Sneha, the wife of the petitioner, enquiry is being conducted in C.No.520/Camp-GDP/SPO-4/2022. He would further submit that the de-facto complainant had alleged that her husband had taken the custody of the child and that the enquiry is pending.

2.The learned Counsel for the petitioner would submit that due to a matrimonial dispute, a false complainant has been given against the petitioner. Further, the learned Counsel for the petitioner would submit that the custody of the child is now with the petitioner and he has no objection in handing over the custody of the child to the de-facto complainant, Sneha, wife of the petitioner.

3.The petitioner as well as the de-facto complainant as well as

<https://www.mhc.tn.gov.in/judis>



their respective Counsels are present before this Court and in the presence, the petitioner has handed over the custody of the child to the de-facto complainant.

4.The learned Counsel for the petitioner would also submit that the case in H.M.O.P.No.231 of 2022 filed by the respondent for restitution of conjugal rights is pending and would submit that all the disputes will be adjudicated before the proper forum dealing with the matrimonial cases.

5.In view of the same, the respondent Police may close the enquiry and this petition stands closed.

sd/-

07/02/2023

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/02/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

cmr

To

1.The Inspector of Police,
Gudalur South Police Station,
Theni District.

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

+1. CC to M/S.K.GUHAN Advocate SR.No.6826[F]

ORDER

IN

CRL OP(MD) No.465 of 2023

Date :07/02/2023

RS/SSS/SAR.4(15.02.2023) 2P-4C