



CrI.O.P.(MD)No.4180 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 03.03.2023

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

CrI.O.P.(MD)No.4180 of 2023

1.Sivavignesh

2.G.Arunachalam

3.A.Nagalakshmi

... Petitioners

Vs.

1.State rep.by

The Superintendent of Police,
Thoothukudi District,
Thoothukudi.

2.The Inspector of Police,
All Women Police Station,
Kovilpatti, Thoothukudi District.

3.Ishwarya

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the second respondent not to harass the petitioners in the guise of enquiry on the basis of the complaint given by the third respondent.

For Petitioners : Mr.A.Banumathy,

For R1 & R2 : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor



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ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders, to direct the second respondent not to harass the petitioners in the guise of enquiry on the basis of the complaint given by the third respondent.

2. The learned counsel for the petitioners would submit that the third respondent is the wife of the first petitioner; that the petitioners 2 and 3 are the parents of the first petitioner and that only on the basis of the complaint given by the third respondent alleging matrimonial issues, the respondent Police have been harassing the petitioners.

3. When the matter is taken up for hearing today, the learned Additional Public Prosecutor appearing for the State would submit that on the basis of the complaint given by the third respondent, C.S.R.No.88 of 2023 came to be registered and that the investigation is pending.

4. The learned counsel for the petitioners would submit that they have already filed a divorce petition and is yet to be taken on file. He



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would further submit that the second respondent has already issued summons, on 19.02.2023 and in pursuance of the same, the petitioners have appeared before them.

5. The learned Additional Public Prosecutor appearing for the State would submit that the third respondent is pressing for reunion with the first petitioner.

6. Admittedly, the first petitioner has already filed divorce petition and that the third respondent is now seeking restitution. In view of the above, the third respondent is at liberty to take necessary proceedings for restitution.

7. The learned Additional Public Prosecutor appearing for the State would further submit that since there existed matrimonial dispute between the parties and that the third respondent is pressing for reunion, necessary instructions were given to advise the third respondent to take appropriate matrimonial proceedings for restitution and to close the matter.



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8. Recording the submission made by the learned Additional Public

Prosecutor, this Criminal Original Petition stands disposed of.

03.03.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
das

To

- 1.The Superintendent of Police,
Thoothukudi District,
Thoothukudi.
- 2.The Inspector of Police,
All Women Police Station,
Kovilpatti, Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

Order made in
Crl.O.P.(MD)No.4180 of 2023

Dated: 03.03.2023