



Crl.O.P.(MD) No.17720 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

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Titus

...Petitioner

Vs.

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

2.The Inspector of Police,
Taluk Police Station,
Dindigul.

3.The Sub Inspector of Police,
Taluk Police Station,
Dindigul.

...Respondents

4.Benciya Deivendran

...Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to issue a direction directing the respondents 2 and 3 not to interfere in (matrimonial



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dispute) with respect to guardianship of the petitioner's son namely Eshban Samuel.

For Petitioner :Mr.R.Gandhi
Senior Counsel
for M/S.Ramanathan AN
For Respondent :Mr.M.Sakthi Kumar for R1 to R3
Government Advocate (Crl. Side)
:Mr.S.A.Arul Jenifer for R4

ORDER

This petition has been filed seeking direction to the respondents 2 and 3 not to harass the petitioner under the guise of enquiry and intervene the matrimonial issue.

2.The case of the prosecution is that the marriage between the petitioner and fourth respondent/defacto complainant was solemnized on 25.08.2021. Out of their wedlock, one children was born namely Eshban Samuel. Thereafter, a dispute arose between them and the fourth respondent frequently quarreled with the petitioner and she brutally attacked his son. Thereafter, she is taking steps to obtain Indian Passport to settle in Sweden with her son. Hence, the present representation has been made by the petitioner to the respondents 1 and 2 on 14.09.2023.



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3.Earlier, this Court referred the matter to mediation for exploring the possibility of settlement, since the issue is between the husband and wife over the custody of child. At the time of referring to mediation, a request was made by the fourth respondent that he wants to see the child. But the matter did not enter into compromise between the parties.

4.The learned Senior counsel for the petitioner would submit that with regard to the custody of the child, Guardian O.P. is also pending before the Family Court, Karur and the parties agitated the same before the concerned Court. With regard to the other issue, he would submit that the fourth respondent is Srilankan citizen, taking advantage of the availability of the documents with her, she may abscond at any time to Srilanka.

5.Per contra, the contention of the fourth respondent is that only for the purpose of seeing the child, the matter was referred to mediation. At that time, the child was not brought to the Mediation Centre and the petitioner openly declared that he will not allow to see the child till her life time. During the pendency of the mediation process, Habeas Corpus Petition in HCP.(MD).No.



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1264 of 2023 is also filed by the fourth respondent before this Court, which is stated to be pending.

6.Let the learned Government Advocate (Crl. Side) instruct the second respondent herein to inform the development of the complaint before the Division Bench.

7.In view of the pendency of HCP, no purpose would be served in keeping this petition pending. Accordingly, this criminal original petition is disposed of with the above said development. Since petitioner is very much available, let he appear before the second respondent police and give statement with regard to his availability.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

17.10.2023

VSG



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- 2.The Inspector of Police,
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Dindigul.
- 3.The Sub Inspector of Police,
Taluk Police Station,
Dindigul.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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