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CrI.O.P.No.8757 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

CrI.O.P.No.8757 of 2024

1.V.Ilavarasan

2.Bhavani

3.Shanmugapriyadharshini

... Petitioners

Vs.

1.The State Rep.by
The Inspector of Polie,
Tirumangalam Police Station,
Chennai.

2.Murugapandiyan

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to direct the first respondent not to harass the petitioners under the guise of enquiry.

For Petitioners : Mr.R.Balakrishnan

For R1 : Mr.S.Udaya Kumar
Government Advocate (CrI.Side)



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ORDER

Dispute between the husband and wife. Both have given complaint making serious allegations against each other. Hence the police has registered CSR.No.286 of 2024 dated 13.03.2024, on the complaint given by the 3rd petitioner against her husband and CSR.No.312 of 2024 dated 18.03.2024 on the complaint given by the husband as against the 3rd petitioner. There is also a divorce petition pending in the Family Court, Madurai.

2. The wife has filed the present petition alleging that the police is harassing her under the guise of enquiry. Since serious allegations been made against her and she has also made complaint against her husband, it is the duty of the police to enquire the matter and arrive at conclusion whether any material made out to proceed on the complaint. Therefore, the petitioner can not abstain herself from participating in the enquiry. Hence it is directed to respondent police to cause summon under Section 41A Cr.P.C., and give proper opportunity for the petitioner to defend the complaint against her and also substantiate the complaint against her husband. On such participation, there shall not be any coercive action.

3. With this direction, this Criminal Original Petition is disposed of.



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Index : Yes/No

Neutral Citation : Yes/No

rpl

To

1.The Inspector of Polie,
Tirumangalam Police Station,
Chennai.

2.The Public Prosecutor,
High Court of Madras,
Chennai.

Dr.G.JAYACHANDRAN,J.

rpl



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