



WEB COPY



Crl.O.P.No.18654 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2024

CORAM

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

Crl.O.P.No.18654 of 2024

1.D.Sugadev

2.D.Shanthi Malar

3.K.Pattamal

....Petitioners

Versus

1.The Superintendent of Police,
Office of Superintendent of Police,
Cuddalore District.

2.The Inspector of police,
All Women Police Station,
Neyveli Town,
Cuddalore-607 308

3.Divya

...Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to direct the 2nd respondent not to harass the petitioners in the name of enquiry.

For Petitioners : Mr.K.Murugesan

For R1 & R2 : Mr.S.Udayakumar
Government Advocate (Crl.Side)



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ORDER

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Dispute between the husband and wife initially led to filing of divorce petition and restitution of conjugal rights by the wife. Later, it appears that they have compromised and started to living together. The husband has withdrawn the divorce petition, but the restitution of conjugal rights petition filed by the wife in H.M.O.P.No.32 of 2024 on the file of the Sub Court, Neyveli is still pending.

2. At this juncture on 13.04.2024, the wife Divya has given a complaint to the respondent police which has been registered in C.S.R.No.296 of 2024 for the alleged offence of dowry harassment. The petitioners who are the husband, mother-in-law and the mother of mother-in-law are before this Court seeking protection from harassment alleging that the respondent police is harassing them under the guise of investigating the complaint given by Divya. Despite the fact, the 1st petitioner husband has again instituted divorce petition and the same is pending.



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3. This Court finds that it is a matrimonial dispute, parties have already instituted proceedings in connection with the marital relationship.

However, when there is a complaint of dowry harassment, it is the duty of the police to make preliminary enquiry and proceed, if there is any material to indicate the commission of cognizable offence. In this case, the respondent police has registered the C.S.R., and called the petitioners for enquiry, which cannot be found to be fault.

4. Hence this Criminal Original Petition is disposed of with direction that the petitioners shall be enquired in the manner known to law and proceed further if only any cognizable offence is made out. It is also directed that the complaint given by the 2nd respondent regarding trespass which is the subject matter of C.S.R.No.734 of 2024 dated 15.07.2024 shall also be enquired in the similar manner and proceed.

06.08.2024

Index : Yes/No

Neutral Citation : Yes/No

rpl

Dr.G.JAYACHANDRAN,J.

rpl



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To

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1.The Superintendent of Police,
Office of Superintendent of Police,
Cuddalore District.

2.The Inspector of police,
All Women Police Station,
Neyveli Town,
Cuddalore-607 308

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

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