



CrI.O.P.(MD)No.134 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.01.2024

CORAM :

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CrI.O.P.(MD)No.134 of 2024

Amutha Varshini

...Petitioner

Vs.

1. The State of Tamil Nadu
represented by the Inspector of Police,
AWPS,
Thallakulam,
Madurai.

2. S.M.Sivakumar

3. Megala

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the first respondent not to harass the petitioner on the guise of enquiry on the alleged complaint of the third respondent.

For Petitioner : Mr.P.M.Vishnu Varthanan

For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor



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ORDER

This Criminal Original Petition had been filed seeking direction against the first Respondent not to harass the Petitioner.

2. The learned Counsel for the Petitioner submitted that the Petitioner is the wife of Respondent No.2. It is the submission of the learned Counsel for the Petitioner that the Petitioner had preferred a complaint against his husband. The Inspector of Police, Alanthur Police station, has conducted counselling and directed the second respondent to approach this Court to close the complaint of the Petitioner. Subsequently, the Petitioner had filed HMOP for divorce. The second Respondent had filed HMOP seeking restitution of conjugal rights and the custody of the minor child by filing Guardianship and Wards Original Petition (GWOP). At that stage, the Petitioner's husband had preferred a complaint against the Petitioner.

3. The learned Additional Public Prosecutor submitted that the first complaint preferred by the wife was registered as CSR.No.1211 of 2023, and therefore, an enquiry was conducted and closed on 04.12.2023. Then the Respondent No.2, herein had preferred a complaint which was registered as CSR.No.1652 of 2023.



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4. As per the submission of the learned Additional Public Prosecutor, the Director General of Police, the Head of State Police Force, Tamil Nadu, Chennai-600004, had already issued a circular to the field officers regarding enquiry and summoning the witnesses. The learned Additional Public Prosecutor submitted that the first Respondent will abide by the circular and will not pass any harassment.

5. Considering the submission of the learned Counsel for the Petitioner and the learned Additional Public Prosecutor, the first Respondent is directed to issue summon to the Petitioner under Section 41A Crpc, specifying the time and date.

6. As per the guidelines issued by the Hon'ble Supreme Court in the case of ***Lalitha Kumari Vs. State of Uttar Pradesh*** reported in ***(2014) 2 SSC 1*** and ***Arnesh Kumar Vs. State of Bihar and another [2014 (8) SCC 273]***, the first respondent shall issue summon to the Petitioner specifying the time and date and the first Respondent shall not harass the Petitioner by summoning her at odd hours.



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7. Recording the same, this Criminal Original Petition is disposed of.

05.01.2024

Index : Yes/No

Internet: Yes/No

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To

1. The State of Tamil Nadu
represented by the Inspector of Police,
AWPS,
Thallakulam,
Madurai.

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



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SATHI KUMAR SUKUMARA KURUP, J.,

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