



Crl.O.P.(MD).No.2447 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 23.02.2024

CORAM:

THE HONOURABLE Mr. JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.(MD).No.2447 of 2024

Sivashanmugavignesh

... Petitioner

Vs.

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

2.The Inspector of Police,
All Women Police Station,
Nilakottai,
Dindigul District.

3.Priyavarshini

...Respondents

*(R-3 is amended vide order dated 23.02.2024 in
Crl.MP(MD).No.2322 of 2024 in Crl.O.P(MD).No.2447 of 2024)*

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the second Respondent not to harass the Petitioner under the guise of enquiry based on the representation dated 07.02.2024.



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For Petitioner : Mr.C.Ezhilarasu

For R-1 and R-2 : Mr.R.Sivakumar
Government Advocate
(Criminal Side)

ORDER

This Criminal Original Petition had been filed seeking direction against the second Respondent not to harass the Petitioner under the guise of enquiry based on his representation dated 07.02.2024.

2. When the matter came up for hearing on 16.02.2024, the learned Counsel for the Petitioner and the learned Government Advocate (Criminal Side), put forth their submissions and this Court directed the parties to approach the Family Court by way of filing appropriate petition and also directed the Petitioner to co-operate with the enquiry and the case was adjourned to 23.02.2024.

3. Today, when the matter is taken up for hearing, the learned Government Advocate (Criminal Side) on instructions of the Respondents 1 and 2 would submit that the Petitioner did not appear for enquiry before the



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Inspector of Police, All Women Police Station, Nilakottai, Dindigul District.

Further he would submit that the custody of the child is with the husband/Petitioner.

4. Considering that the dispute is with regard to custody of the child or visitation right whatever it may be and the matrimonial dispute is pending before the Family Court, Sivagangai in H.M.O.P.No.24 of 2024. This Court directs the Family Court, Sivagangai to pass appropriate orders on a petition filed by either of the parties. The Inspector of Police, All Women Police Station, Nilakottai, Dindigul District, shall keep off, refrain regarding custody of the child, as the subject matter is pending before the Family Court, Sivagangai in H.M.O.P.No.24 of 2024.

5. With the above direction, this Criminal Original Petition is disposed of.

23.02.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



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- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Dindigul District.
- 2.The Inspector of Police,
All Women Police Station,
Nilakottai,
Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

Nsr

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