



CrI.O.P.(MD) No.3425 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2024

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.3425 of 2024

Nagamanickam

...Petitioner

VS

**1.The Superintendent of Police,
Office of the Superintendent of Police,
Madurai District 630 562.**

**2.The Inspector of Police,
Thirumangalam Police Station,
Madurai 630 561.**

3.Alagulakshmi

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to direct the 2nd Respondent not to harass the Petitioner and her family members under the guise of enquiry based on the Petitioner's representation dated 23.02.2024.

For Petitioner	: Mr.S.Balasubramanian
For R1 & R2	: Mr.M.Veeranthiran
	Government Advocate (Crl.side)



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ORDER

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The learned Counsel for the Petitioner submits that the Petitioner is employed as Home Guard in Coimbatore. He had married the third Respondent. Subsequently, the third Respondent had left to her maternal home. She did not join him. Instead, she had preferred a complaint with the second Respondent, based on which the second Respondent had been harassing the Petitioner. Therefore, the Petitioner was forced to file this Petition seeking directions against the Respondents 1 and 2 not to harass him.

2.The learned Government Advocate (Crl.side), on instructions of the Respondents 2 and 3, submits that the Petitioner is alleged to have married the third Respondent representing that he is employed in the Tamil Nadu Police Force. The Petitioner is alleged to have cohabited with the third Respondent only for 35 days and left her at her maternal home after 35 days during Diwali 2023 and had not taken her back to the matrimonial home forcing her to file the complaint with the second Respondent.



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3.The second Respondent had retained the complaint as current paper and issued summons as per the reported ruling of the Hon'ble Supreme Court in the case of ***Lalitha Kumari Vs. State Government of Uttar Pradesh*** reported in ***(2014) 2 SSC 1***, since it involves matrimonial dispute to conduct enquiry specifying the time and date. Instead of appearing before the second Respondent, the Petitioner had approached this Court.

4.Considering the submission of the learned Counsel for the Petitioner and the learned Government Advocate (Crl.side), the Petitioner is directed to appear before the second Respondent on summons. Since the second Respondent had acted as per the ruling of the Hon'ble Supreme Court regarding the matrimonial dispute in the reported decision of the ***Lalitha Kumari Vs. State of Uttar Pradesh*** reported in ***(2014) 2 SSC 1***, the Petitioner is duty bound to co-operate with the pending enquiry. In case, he is unable to appear, he can offer his explanation and seek adjournment. He cannot seek direction before this Court under Section 482 of Cr.P.C., not to harass him.



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Accordingly, this Criminal Original Petition is closed.

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Internet: Yes./No

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Index: Yes/No

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To

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Madurai District 630 562.
- 2.The Inspector of Police,
Thirumangalam Police Station,
Madurai 630 561.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

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