



Crl.O.P.(MD) No.3471 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.03.2024

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.3471 of 2024

1.Shanthi
2.Prakash
3.Pavuthra

...Petitioners

VS

1.The Superintendent of Police,
Theni, Theni District.

2.The Inspector of Police,
Gudalur North Police Station,
Theni District.

3.Mega

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to direct the second Respondent not to harass the Petitioners under the guise of enquiry in the light of the Petitioners representation, dated 29.02.2024

For Petitioners	: Mr.S.Sundarapandian
For R1 and R2	: Mr.M.Veeranthiran
	Government Advocate (crl.side)



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ORDER

The Criminal Original Petition had been filed seeking a direction against the second Respondent not to harass the Petitioners under the guise of enquiry in the light of the Petitioners representation, dated 29.02.2024

2.The learned Counsel for the Petitioners submitted that the first and second Petitioners are the parents of husband of the third Respondent. The third Petitioner is the daughter-in-law of the first and second Petitioners through their elder son. The third Respondent is the daughter-in-law of the first and second Petitioners through their younger son. It is the contention of the learned Counsel for the Petitioners that based on the complaint of the third Respondent, the younger daughter-in-law, the second Respondent had been visiting the house and also summoning the Petitioners to the Police Station. Therefore, the Petitioners were forced to file this Petition seeking a direction against the second Respondent not to harass the Petitioners.

3.The learned Government Advocate (crl.side), on instructions from



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the Respondent Police, submitted that the third Respondent had preferred a Domestic Violence case before the learned Judicial Magistrate, Uthamapalaym in D.V.No.9 of 2019 and also a case was registered in S.T.C.No.766 of 2022 based on the investigation conducted by the second Respondent. The learned Judicial Magistrate, Uthamapalayam, after full trial had convicted the husband of the third Respondent to undergo simple imprisonment of six months and to pay a fine of Rs.10,000/- in default to undergo simple imprisonment of one month. Also, after the judgment was pronounced, the learned Judicial Magistrate, Uthamapalayam, had issued non-bailable warrant against the husband of the third Respondent. After non bailable warrant was issued against the husband of the third Respondent, the third Respondent himself had filed CrI.O.P.(MD)No.21759 of 2023. After hearing the Petitioner in CrI.O.P.(MD)No.21759 of 2023 and the learned Government Advocate (CrI.side), this Court by order, dated 04.12.2023 had directed the Respondent Police, the Respondents 1 and 2 herein, to execute the warrant. In the light of the above, the learned Government Advocate objects to the contents of the Petition, particularly, in para 2 that the Petitioner does not know the whereabouts of the younger son.



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4.Since non bailable warrant had been issued and the younger son of the Petitioners 1 and 2 had suffered a conviction before the learned Judicial Magistrate, the Petitioners cannot maintain a Petition seeking direction against the Respondent Police. The Respondents 1 and 2 are directed to issue notice in leading newspapers along with the photograph of the younger son of the Petitioners 1 and 2 to secure the younger son of the Petitioners 1 and 2 in the light of the judgment of conviction recorded by the learned Judicial Magistrate, Uthamapalayam.

5.In the light of the earlier order passed by this Court in Crl.O.P(MD)No.21759 of 2023, dated 04.12.2023, this Petition is not maintainable and hence, this Petition is dismissed.

Internet :Yes/No
Index :Yes/No
NCC :Yes/No

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To

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Theni, Theni District.

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Gudalur North Police Station,
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SATHI KUMAR SUKUMARA KURUP, J.

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