



Crl.O.P.(MD) No.3887 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2024

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.3887 of 2024

P.Prabakaran

...Petitioner

vs.

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

**2.The Inspector of Police
Palanichettipatti Police Station,
Palanichettipatti, Theni District.**

3. Karthika

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to direct the second Respondent Police not to harass the petitioner and his sister under guise of enquiry except under due process of law and further direct the second respondent to not to insist the Petitioner to hand over his residential house.

For Petitioner : Mr.M.Kaliraj

For R1 & R2 : Mr.M.Veeranthiran

Government Advocate (Crl.side)

ORDER

The learned Counsel for the Petitioner submits that the Petitioner had filed this Criminal Original Petition seeking direction against the Respondent Police not to harass the Petitioner.



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2. It is the contention of the learned Counsel for the Petitioner that the third Respondent in this case had given a complaint. Based on which, the second Respondent had been harassing the Petitioner. It is his further submission that the third Respondent filed a maintenance case, in which, amount was ordered. Due to the maintenance case, the father of the Petitioner had executed the settlement deed in favour of the minor daughter of the Petitioner. Therefore, he seeks warrant issued by the learned Chief Judicial Magistrate, is to be recalled.

3. The learned Government Advocate (Crl.side), on instructions of the Respondents 1 and 2, submits that the Petitioner had evaded summons and he has to pay maintenance arrears of his wife. After full trial, the maintenance case was ordered in favour of the wife of the Petitioner and minor daughter. Since the Petitioner herein, as Respondent in the maintenance case, had not paid arrears, Non Bailable Warrant was issued against him. As on date, he is evading the arrest by the Respondents 1 and 2.

4. To the query of this Court to the Petitioner whether the Petitioner filed any Appeal against the maintenance order, he submits that he had filed the Revision and the same was dismissed.



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5. Considering the fact that the Revision Petition filed by the Petitioner herein against the order of maintenance passed by the learned Chief Judicial Magistrate was dismissed and N.B.W issued by the learned Chief Judicial Magistrate is pending against this Petitioner, it is not a fit case, in issuing order for not harass the Petitioner. The Petitioner is directed to surrender before the learned Chief Judicial Magistrate, Theni, and seek his remedy through the Chief Judicial Magistrate. When the warrant is pending against the Petitioner / accused, the Accused cannot seek direction under Section 482 of the Code of Criminal Procedure against the Police not to harass him.

6. With the above observation, this ***Criminal Original Petition*** is dismissed.

Internet: Yes./No
Index: Yes/No
NCC : Yes/No
LS

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SATHI KUMAR SUKUMARA KURUP, J.

LS

To

- 1.The Superintendent of Police
Theni District, Theni.
- 2.The Inspector of Police
Palanichettipatti Police Station,
Palanichettipatti, Theni District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to :
The Chief Judicial Magistrate,
Theni.

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