



W.P(MD)No.7258 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 22.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7258 of 2024
and
W.M.P(MD)No.6691 of 2024

L.Cheguwara @ Sureshkumar

... Petitioner

Vs.

1.The District Social Welfare Officer /
Dowry Prohibition Officer
(Officer in charge),
District Social Welfare Office,
3rd Floor, Anna Bus Stand,
Madurai.

2.The Inspector of Police,
Thiruparankundram All Women
Police Station,
Madurai.

3.S.Suguna @ Priya

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records of the first respondent dated 13.03.2024 in proceedings Na.Ka.No. 1295/A4/2023 quash the same, as the same is arbitrary, ultra vires and contrary to the order dated 30.01.2023 made in CrI.O.P.No. 1610/2023.

For Petitioner : Mr.R.G.Shankar Ganesh

For Respondents : Mr.K.S.Selvaganesan
Additional Government Pleader for R.1

Mr.A.Albert James
Government Advocate (Criminal Side)
for R.2

ORDER

Heard the learned counsel appearing for the writ petitioner, the learned Additional Government Pleader appearing for the first respondent and the learned Government Advocate (Criminal Side) appearing for the second respondent. Considering the nature of relief to be granted, issuance of notice to the third respondent is dispensed with.



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2.The petitioner and the third respondent got married in the year 2016. Their matrimonial relationship had come under strain. Hence the petitioner filed H.M.O.P.No.63 of 2020 on the file of Sub Court, Thirumangalam for dissolution of marriage on the ground of desertion. During the pendency of the writ petition, the third respondent herein had given a complaint before the second respondent under the provisions of the Dowry Prohibition Act. The petitioner thereupon filed CrI.O.P(MD)No.1610 of 2023 before this Court.

3.When the matter was taken up for hearing, it was submitted by the learned Government Advocate (Criminal Side) that instruction has been given to the Inspector of Police, AWPS Police Station, Thiruparankundram to close the complaint. Recording the said submission, the Criminal Original Petition was disposed of. Subsequently, the second respondent sent a letter to the first respondent enclosing the complaint of the third respondent. Based on the same, the impugned enquiry notice has been issued.



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4. When the matter was taken up for hearing, the learned Additional Government Pleader made available a copy of the minutes drawn by the first respondent closing the enquiry.

5. In these circumstances, the parties will have to necessarily agitate their rights only before the jurisdictional civil Court in the pending HMOP. The impugned enquiry notice is quashed. This writ petition is allowed accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

22.03.2024

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

To

1. The District Social Welfare Officer /Dowry Prohibition Officer
(Officer in charge), District Social Welfare Office,
3rd Floor, Anna Bus Stand, Madurai.
2. The Inspector of Police, Thiruparankundram All Women
Police Station, Madurai.



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G.R.SWAMINATHAN, J.

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