



Crl.O.P.(MD)No.11781 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.07.2024

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THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.11781 of 2024

Meena

... Petitioner

versus

1. State rep. by
The Superintendent of Police,
Dindigul District,
Dindigul.

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

3. Vinnarasi

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to direct the 2nd respondent not to harass the petitioner in the guise of enquiry, by considering the petitioner's representation dated 23.07.2024.

For Petitioner : Mr.K.Malaimaran



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For R1 and R2 : Mr.M.Sakthi Kumar,
Government Advocate (Crl. Side)

ORDER

The petitioner has approached this Court that the respondent Police is harassing her under the guise of enquiry.

2. The learned Government Advocate (Crl. Side) submits that the respondent Police has not harassed the petitioner. In fact, the 3rd respondent, the daughter-in-law of the petitioner, has lodged a complaint against her on 12.03.2024 before the Superintendent of Police that the petitioner has taken her children forcibly. The said complaint was forwarded by the Superintendent of Police to the 2nd respondent/the Inspector of Police, All Women Police Station, Sanarpatti, Dindigul District and the same is pending for petition enquiry. According to the learned Government Advocate, neither the complainant nor the petitioner appeared for enquiry and therefore, the petition enquiry is pending.



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3. The learned counsel for the petitioner as well as the learned Government Advocate (Crl. Side) submit that the 3rd respondent's husband is working at Chennai and he is also a drunkard. Therefore, she left the matrimonial house in the year 2019 itself. At that time, she has entrusted the children with her husband with an undertaking that she will not claim right over the children. Thereafter, the children are in the custody of the 3rd respondent's husband and the petitioner. Since the 3rd respondent's husband is working at Chennai, the petitioner is taking care of the children. After five years, this complaint has been lodged as if the petitioner has taken the children forcibly from the defacto complainant.

4. This Court considered the rival submissions made.

5. If the children have been taken forcibly from the 3rd respondent, then, the respondent Police shall take appropriate action against the petitioner. If the children have been handed over with the consent of the 3rd respondent, then, the remedy available for the



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3rd respondent is to approach the Court by filing a Guardian Original Petition. Since the petition enquiry is pending, the 2nd respondent is directed to conclude the enquiry within a period of two weeks from the date of receipt of a copy of this order. In the meantime, the 2nd respondent Police shall not harass the petitioner.

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

26.07.2024

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

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



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2. The Inspector of Police,
All Women Police Station,
Sanarpatti,
Dindigul District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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