



Crl.O.P.(MD) No.12347 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL.O.P (MD) No.12347 of 2024

Alagarsamy

... Petitioner

Vs

1. The Commissioner of Police,
O/o Commissioner of Police,
Madurai City,
Madurai District.

2. The Inspector of Police,
Thallakulam All Women Police Station,
Madurai City. Madurai District.

3. Murugeswari

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the second respondent not to harass the petitioner and his family members under guise of enquiry without following due process of law.



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For Petitioner : Mr.R.Karunanidhi,
For R1 & R2 : Mr.M.Sakthi Kumar
Government Advocate (Crl.Side)

ORDER

This criminal original petition has been filed seeking a direction to the second respondent not to harass the petitioner and his family members under guise of enquiry.

2.The learned Counsel appearing for the petitioner submits that the petitioner is the brother-in-law of the third respondent. It appears that the third respondent is having a dispute with her husband and lodged a complaint before the respondent police on 18.07.2024, for which, C.S.R.No. 844 of 2024 was assigned. During the course of enquiry, the petitioner was summoned by the respondent police.

3.The learned Government Advocate (Crl.Side) appearing for the respondent police submits that the husband of the third respondent has married another woman and deserted the third respondent and therefore, the complaint was lodged. The respondent police has also searched for the



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husband of the third respondent. However, his whereabouts are not known.

Therefore, the petitioner was called for an enquiry to furnish the details with regard to the whereabouts of his brother/husband of the third respondent.

4.In reply, the learned Counsel appearing for the petitioner submits that the petitioner is not aware of the whereabouts of his brother and his brother is living with another woman for a long time. Now only the third respondent has lodged such a complaint. He further submits that the petitioner's brother has filed a divorce petition in H.M.O.P.No.104 of 2021 before the Sub Court No.III, Madurai and the same is pending.

5.This Court has considered the rival submissions made.

6.Admittedly, the petitioner's brother has married another woman without dissolving the earlier marriage. Therefore, the offence of bigamy has been committed by the petitioner's brother. Apart from that the third respondent has also stated about dowry harassment in her complaint.



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7.It is always open to the respondent police to register a case as against the persons, who are involved in the commission of offence. The respondent police is not supposed to keep the matter pending as a petition enquiry and to harass the petitioner. In all fairness, the respondent police is expected to conclude the enquiry, within a period of four weeks, from the date of receipt of a copy of this order and shall take a decision as to the necessity for registering a criminal case or not. During the course of enquiry, the petitioner need not be harassed.

8.With the above direction, this criminal original petition is disposed of.

01.08.2024

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



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To

1. The Commissioner of Police,
O/o Commissioner of Police,
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Madurai District.

2. The Inspector of Police,
Thallakulam All Women Police Station,
Madurai City. Madurai District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

LR

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