



Crl.O.P.(MD)No.19284 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.11.2024

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.19284 of 2024

Chithra Devi

... Petitioner

Vs.

1.The Superintendent of Police,
District Police Office,
Sivagangai.

2.The Deputy Superintendent of Police,
Sivagangai Region,
Sivagangai.

3.The Inspector of Police,
Ilayankudi Police Station,
Sivagangai District.

4.Karthick

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to direct the respondents 1 to 3 not to harass the petitioner and her children under the guise of enquiry.

For Petitioner : Mr.P.Gunasekaran

For R1 to R3 : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor



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For R4

: Mr.R.Vinoth

ORDER

This order has to be read in conjunction with and in continuation of earlier proceedings made in the previous listing on 11.11.2024, which reads as follows:-

"The petitioner wife of one Murugesan submits that she has filed the present petition seeking direction to not to harass the petitioner and her children on the basis of the complaint given by the fourth respondent.

2. The contention of the petitioner is that the petitioner has got nothing to do with her husband and he is living in Saudi Arabia in his own world. Earlier her husband was running a shop in the name of 'Marry Brown' at Ramanathapuram. She admits that her husband from several persons had borrowed loan for his business but unfortunately her husband incurred loss and left the petitioner and her two children to fend for themselves and he is now living in Saudi Arabia. He is not having any contact with the petitioner and she has nothing to do with her husband. The complaint is projected as though her husband had promised for getting job, received money from the defacto complainant which the petitioner is not aware of the same. On the guise of enquiry the petitioner was called for



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enquiry at odd hours, hence the above petition.

3. The learned Additional Public Prosecutor submitted that not even once the petitioner appeared for enquiry before the respondent police and the police has sent a women police constable for enquiry. She is not cooperating with the enquiry and shuts the door and chases away the police and now she has filed the above petition.

4. The fourth respondent /defacto complainant had lodged complaint stating that the petitioner had promised for getting job, received the money and all the money has been paid through bank. He has also produced the bank transactions to the respondent police. The respondent police finding that the petitioner husband had taken away the money and cheated on the promise of getting job and now not available for enquiry had called the petitioner for enquiry.

5. The learned counsel appearing for the petitioner strongly objected for the same and stated that the petitioner is ready to appear for enquiry before the respondent police and provide all the details including the contact details and bank transactions of her husband and she will appear before the respondent police and also produce all the materials which are available with her against her husband on 13.11.2024 and days



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thereafter also. The respondent police to enquire the petitioner preferably women police or in the presence of women police.

6. List the case again on 20.11.2024."

2. Pursuant to the order passed by this Court dated 11.11.2024, today, the learned Additional Public Prosecutor has produced the petitioner's bank statement, which confirms that the petitioner has been in regular contact with her husband and has received several lakhs through her bank transactions. The respondent Police are now aware of the close relationship between the petitioner and her husband, as well as the regular monetary transactions. It is for the respondent Police to take appropriate further action in this regard. Hence, this Criminal Original Petition is dismissed.

NCC : Yes / No

20.11.2024

Index : Yes / No

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To

1. The Superintendent of Police,
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Sivagangai.



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- 2.The Deputy Superintendent of Police,
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- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

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Order made in
Crl.O.P.(MD)No.19284 of 2024

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