



Crl.O.P.(MD)No.19706 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

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M.Jeyasundari

... Petitioner

Vs.

- 1.State of Tamil Nadu,
Rep. by The Superintendent of Police,
Office of the Superintendent of Police,
Virudhunagar, Virudhunagar District.
- 2.The Additional Deputy Superintendent of Police,
Office of the Additional Deputy Superintendent of Police,
Aruppukottai, Virudhunagar District.
- 3.The Inspector of Police,
Aruppukottai Taluk Police Station,
Aruppukottai, Virudhunagar District.

4.Kamatchi

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to direct the third respondent police not to harass the petitioner.

For Petitioner
For R1 to R3

: Mr.S.I.Muthiah
: Mr.A.Thiruvadikumar
Additional Public PRosecutor



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ORDER

This Criminal Original Petition has been filed to direct the third respondent police not to harass the petitioner.

2. The petitioner is the wife of one M.Pandiyaraj and she was employed in Ramco Engineering College, Rajapalayam. Her husband, an ex-service man, is carrying on agricultural work at Aruppukottai. The petitioner along with her daughter residing at Rajapalayam. The petitioner is a Professor attending the college and her daughter attending the School in Rajapalayam. Occasionally, during holidays or when time permitted, the petitioner along with daughter used to visit her husband in native. Taking advantage of the petitioner and her daughter absence, the petitioner's husband/Pandiyaraj developed closeness with fourth respondent. Now, they are not in talking terms. The fourth respondent lodged a complaint stating that the petitioner's husband was having close relationship with her and due to which, the fourth respondent's husband left her and the petitioner's husband continued his relationship with her. Now, the petitioner's husband is not having any contact with the fourth



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respondent. Hence, she lodged a complaint. Based on the same, the petitioner was called for enquiry. She had appeared before the Aruppukottai Taluk Police Station on 26.10.2024. She was made to wait in the police station from evening 05.00 pm., to 09.00 pm., and after enquiry, she was let off. Thereafter, again on 06.11.2024, she was called by the Inspector of Police, Aruppukottai Taluk Police Station, and again, she was detained in the police station till 08.00 pm. The petitioner being a lady detained at the police station for long and late hours is not proper. The petitioner is staying at Rajapalayam with her daughter and employed there and has nothing to do with the alleged relationship of fourth respondent with the petitioner's husband. In such circumstances, calling the petitioner often for enquiry and detaining her at Police Station is nothing, but harassment. Further, she is a Professor and her career itself is now at stakes. Hence, she sent representation on 08.11.2024 to the respondents 1 and 2, however, no action has been taken. Hence, the present petition.

3. The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner is a Professor in



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Ramco Engineering College. She is residing with her daughter at Rajapalayam. The petitioner's husband, an ex-service man, in his native, is carrying on agricultural work, at that time, the petitioner's husband is said to have developed relationship with the fourth respondent and due to which, the fourth respondent's husband, namely, Murugan left her and the petitioner's husband/Pandiyaraj and the fourth respondent/Kamatchi continued their relationship for some time. Later, difference arose, they got separated, the fourth respondent/Kamatchi lodged a complaint. Since Kamatchi belongs to the depressed community, taking advantage of her social status, she has now made allegation against the petitioner and her husband. Further, submitted that the fourth respondent/Kamatchi is a married lady and she is a legally wedded wife of one Murugan, knowingly had relationship with Pandiyaraj and now, taking shelter of her social status lodged complaint. In view of the same, the respondent police closed the case in normal course. He fairly submitted that the petitioner has appeared for enquiry and as on date, the enquiry reveals that the petitioner has nothing to do with allegation made by Kamatchi against her. Since the petitioner is the lady living with her daughter at Rajapalayam, she will not be unnecessarily harassed and may not be called



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for enquiry. If at all, the petitioner is required, a women police officer would enquire her at the convenience of the petitioner's time and place.

4. In view of the above submission, this Court finds that the petitioner is a Professor along with her daughter living at Rajapalayam. The episode of Pandiyaraj and Kamatch had taken place in Arupukkottai. The petitioner has got nothing to do with this episode. The petitioner already appeared before the respondent police, who on two occasions enquired her. Now, the petitioner on one hand had to face the betrayal of her husband viz., Pandiyaraj and other hand face the allegation and abuse made by Kamatchi. She is already in traumatic condition suffering pain.

5. In view of the above, this Court directs the respondent police not to unnecessarily call the petitioner in the guise of enquiry at late hours and detain her in Police Station. If at all petitioner is needed for enquiry, a women police officer can enquire her at the place and time convenient to the petitioner. It is made clear that enquiry should not affect the petitioner's career as well as her children's future.



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

NCC : Yes / No

14.11.2024

Index : Yes / No

Rmk

To

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Virudhunagar, Virudhunagar District.
- 2.The Additional Deputy Superintendent of Police,
Office of the Additional Deputy Superintendent of Police,
Aruppukottai, Virudhunagar District.
- 3.The Inspector of Police,
Aruppukottai Taluk Police Station,
Aruppukottai, Virudhunagar District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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M.NIRMAL KUMAR, J.

Rmk

Order made in
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