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Crl.O.P.(MD)No.21066 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.21066 of 2024

Divya

: Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Thanjavur District.

2.The Inspector of Police,
Kapisthalam Police Station,
Kapisthalam,
Thanjavur District.

: Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the first respondent to strictly instruct the second respondent for not to harass the petitioner and her husband by name Kabilan and her family members by considering the representation submitted by the petitioner on 24.10.2024 in accordance with law.

For Petitioner : Mr.R.Prakash

For Respondents : Mr.P.Kottaichamy

Government Advocate (Crl.side)



ORDER

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This petition has been filed to direct the first respondent to strictly instruct the second respondent not to harass the petitioner and her husband by name Kabilan and her family members.

2. The petitioner, who is the wife of one Kabilan, has sent representation on 24.10.2024 to the first respondent complaining that the second respondent are knocking the door of the petitioner at odd hours in search of her husband, abused her and also threatened her.

3. The learned Government Advocate (Crl.side) would submit that against the petitioner's husband, there are two criminal cases are pending and for the purpose of ascertaining the good contact and maintaining peace, the petitioner's husband was summoned. He executed 107 Cr.P.C on 02.04.2024. For the purpose of verifying the availability of petitioner's husband, the police had gone to the petitioner's house, but not at odd hours as alleged. Enquiring offenders whereabouts and his contact is part of the bond under Section 107 of Cr.P.C, which cannot be termed as harassment.



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4. Considering the submission and perused the materials, it cannot be disputed that the petitioner's husband had executed bond of 107 Cr.P.C. In view of the same, the respondent police to ascertain the whereabouts the petitioner's husband are visiting the petitioner's house, which cannot be termed as harassment. The respondent police is also reminded that the lady and infant are residing alone. Hence, the visiting at odd hours to be avoided, unless it is absolutely necessary.

5. With the above observation, this Criminal Original Petition is disposed of.

04.12.2024

NCC : Yes/No
Index : Yes / No
Rmk

To

1.The Superintendent of Police,
Office of the Superintendent of Police,
Thanjavur District.

2.The Inspector of Police,
Kapisthalam Police Station,
Kapisthalam,
Thanjavur District.

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



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M.NIRMAL KUMAR,J.

Rmk

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