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Crl.O.P.No.1265 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.01.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.No.1265 of 2025

S.Indhu

W/o.P.R.Shiva Kumar

.. Petitioner

VS.

1. The Assistant Commissioner of Police
O/o. Assistant Commissioner of Police
Guindy, Chennai – 600 032.

2. The State represented by
The Inspector of Police
Guindy Police Station
Guindy, Chennai – 600 032.

3. P.R.Shiva Kumaar

.. Respondents

Prayer: Criminal Original Petition under Section 528 of B.N.S.S. praying to direct Respondents 1 and 2 to conduct enquiry and give police protection to the petitioner and her daughters in view of her complaint dated 11.01.2025.

For Petitioner : Mr.Srinath Sridevan, Senior Counsel
Mr.S.Ananth

For Respondents : Mr.S.Vinoth Kumar
Government Advocate [Crl.side]
[R1 & R2]



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ORDER

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Heard the learned Senior Counsel appearing for the petitioner, the learned Government Advocate [Crl.side] appearing for the State and the learned counsel appearing for the third respondent.

2. The petitioner got married to the third respondent on 07.09.1997. Their marriage presently appears to be on the rocks. The petitioner has come down to Velacherry and she apprehends threat at the hands of the third respondent.

3. Learned counsel for the third respondent denies the allegation that the third respondent is indulging in domestic violence.

4. I do not want to go into the merits of the case. It is open to the petitioner to invoke the statutory remedy available under the law. Section 19 of the Protection of Women from Domestic Violence Act, 2005, states that if the Magistrate is *prima facie* satisfied that domestic violence is likely to take place, the Magistrate may pass a protection order in favour of



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the aggrieved person and prohibit the respondent from committing any act of domestic violence. Even while granting liberty to the petitioner to move the jurisdictional Court/Family Court, I restrain the third respondent from directly or indirectly threatening the petitioner. Mere grant of this direction does not mean that this Court had expressed any adverse opinion against the third respondent.

With the aforesaid restraint order against the third respondent, this Criminal Original Petition is disposed of.

17.01.2025

Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order
rka/gm

To

1. The Assistant Commissioner of Police
O/o. Assistant Commissioner of Police
Guindy, Chennai – 600 032
2. The Inspector of Police
Guindy Police Station
Guindy, Chennai – 600 032
3. The Public Prosecutor,
High Court, Madras.

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G.R.SWAMINATHAN, J

rka/gm

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