



W.P.(CrI.) No.589 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2025

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.(CrI.)No.589 of 2025

and

W.P.M.P.CrI.No.277 of 2025

1.M.Mohan
2.Murugesan
3.Susila

... Petitioners

Vs.

1.The Assistant Commissioner of Police,
Selaiyur Range,
Tambaram,
Chennai.

2.The Inspector of Police,
Chitlapakkam Police Station,
Chennai – 600 064.

3.The District Social Welfare Officer,
Social Welfare Department,
Chengalpattu.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents not to harass the petitioners in the guise of enquiry.



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For Petitioners : Mr.R.Ragavendran
For R1 to R3 : Mr.R.Vinothraja,
Government Advocate (Crl. Side)

ORDER

This writ petition has been filed to direct the respondents not to harass the petitioners in the guise of enquiry.

2.It is the case of the petitioner that his wife namely Saritha deserted him and she had been employed in the 2nd respondent Police Station. It is the grievance of the petitioner that his wife, using her official position, has lodged a false complaint against him before the 2nd respondent Police and in the guise of enquiry, the respondent Police are harassing the petitioner and threatening him. Despite a divorce petition is pending in O.P.No.29 of 2025 before the Sub Court, Madurantakam, the 3rd respondent has been issuing notices one after another calling the petitioner for enquiry and harassing him in the guise of enquiry. Hence, the present petition.



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3.Learned Additional Public Prosecutor would submit that the complaint given by the wife of the petitioner has been referred to the 3rd respondent/District Social Welfare Officer for enquiry. He would further submit that the Inspector of Police has not called the petitioner for enquiry, but only the District Social Welfare Officer has called for enquiry.

4.In such view of the matter, let the petitioner appear before the District Social Welfare Officer and cooperate for the enquiry. If the respondent Police wants to make any further enquiry, they may issue appropriate notice under Section 35(3) BNSS and on such notice, the petitioner shall appear for enquiry and co-operate with the investigation. The respondents shall also take note of the fact that divorce proceedings is pending between the parties. If any cognizable offence is made out, the respondent shall register an FIR and proceed as per law. However, if the respondent police finds that it is purely a matrimonial dispute, it is left open to the respondent police to close complaint and relegate the parties to Civil Court.



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5. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Internet : Yes

Index : Yes / No

Speaking order : Yes / No

Neutral Citation : Yes / No

To

1. The Assistant Commissioner of Police,
Selaiyur Range,
Tambaram,
Chennai.
2. The Inspector of Police,
Chitlapakkam Police Station,
Chennai – 600 064.
3. The District Social Welfare Officer,
Social Welfare Department,
Chengalpattu.
4. The Public Prosecutor,
High Court, Madras.



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N. SATHISH KUMAR, J.

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