



Crl.O.P(MD)No.4367 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2025

CORAM

THE HONOURABLE MR.JUSTICE P.DHANABAL

Crl.O.P(MD)No.4367 of 2025

S.Pitchai Mani

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by,
The Superintendent of Police,
Sivagangai District,
Sivagangai.

2.The State,
Represented by,
The Inspector of Police,
All Women Police Station (AWPS),
Tirupattur Police Station,
Sivagangai District.

3.P.Ramya

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of B.N.S.S., 2023, to direct the first respondent not to harass the petitioner under the guise of the enquiry conducted by the second respondent based on the complaint third



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respondent while pending the cases in D.V.C.No.4 of 2022 on the file of the learned Judicial Magistrate, Natham, Dindigul and in C.M.A(MD)No.808 of 2024 pending before this Court and pass any further order or orders as this Court.

For Petitioner : Mr.Kannan Gurusami
For R-1 & R-2 : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)
For R-3 : Mr.T.Veerakumar

ORDER

This Criminal Original Petition has been filed to direct the first respondent not to harass the petitioner under the guise of the enquiry by the second respondent based on the complaint of the third respondent while pending the cases in D.V.C.No.4 of 2022 on the file of the learned Judicial Magistrate, Natham, Dindigul and in C.M.A(MD)No.808 of 2024 pending before this Court.

2. According to the petitioner, there is a matrimonial dispute pending between the petitioner and the third respondent. Already the petitioner filed a petition for divorce and the same was granted and thereafter, the third



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respondent filed an appeal and the same is pending. While so, the third respondent lodged a complaint before the second respondent. Based on the complaint, the second respondent frequently called the petitioner for enquiry and already he appeared for enquiry. In spite of that repeatedly the second respondent called the petitioner and harassed him under the guise of enquiry. Therefore, the petitioner sent a representation, dated 28.02.2025. But the same has not been considered. Hence, the petitioner filed this petition.

3. The learned Government Advocate (Crl. Side) appearing for the official respondents would submit that based on the complaint given by the third respondent, they called the petitioner for enquiry. Already there is a matrimonial dispute pending between the parties and the petitioner already got divorce from the third respondent and the same was challenged through appeal. In the appeal, stay was granted. In the meantime, the petitioner tried to marry with another lady, therefore, the third respondent lodged a complaint and now the said petition is under enquiry. However, they will complete the enquiry within one week.



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4. The learned Counsel appearing for the third respondent would submit that the petitioner is none other than the husband of the third respondent and already divorce was granted in H.M.O.P.No.231 of 2023 on the file of the Family Court, Dindigul and thereafter, the third respondent preferred an appeal in C.M.A(MD)No.808 of 2024 before this Court and stay was granted. In the meantime, the petitioner married with another women and both of them had assaulted the third respondent and threatened with dire consequences. Thereby, she lodged a complaint before the second respondent and the same is pending. Therefore, now the petition is liable to be dismissed.

5. This Court had heard both sides and perused the materials available on record.

6. The prayer of the petitioner is not to harass the petitioner under the guise of enquiry. But according to the third respondent, the petitioner along with his second wife assaulted the third respondent and also threatened with dire consequences. Thereby, she lodged a complaint before the second respondent. The second respondent also would submit that based on the complaint given by the third respondent, they called the petitioner for enquiry



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and issued summon to the petitioner. After issuance of summons, the petitioner has not appeared.

7. Considering the prayer of the petitioner and the respondents also denied the harassment as alleged by the petitioner and the enquiry is pending, this Court recording the above said submission of the learned Government Advocate (Crl. Side) appearing for the official respondents, directs the second respondent to complete the enquiry within a period of one (1) week from the date of this order in accordance with law.

8. With the above said observations, this Criminal Original Petition stands disposed of.

11.03.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR



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Sivagangai.
- 2.The Inspector of Police,
All Women Police Station (AWPS),
Tirupattur Police Station,
Sivagangai District.
- 3.The Judicial Magistrate,
Natham,
Dindigul.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.DHANABAL, J.

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