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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.02.2026

CORAM

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

Crl.O.P.(MD).No.2371 of 2026

R.Selvaraj

...Petitioner

Vs.

1.The Superintendent of Police,
Madurai District, Madurai.

2.The Inspector of Police,
All Women Police Station,
Melur, Madurai District.

3.Mathumitha

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to direct the second respondent not to harass the petitioner and his family members under the guise of enquiry.

For Petitioner : Mr.K.Anbuchelvam

For R1 & R2 : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)



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ORDER

Seeking direction to the second respondent not to harass the petitioner and his family members under the guise of enquiry, this criminal original petition is filed.

2.Since no adverse order is going to be passed against the third respondent, notice to her is dispensed with.

3.The learned counsel for the petitioner submitted that the third respondent is the wife of the petitioner and their marriage was solemnized in the year 2016. At the time of said marriage, the third respondent was minor aged about 16 years. Only after the marriage was consummated, the petitioner came to understood that he had married a minor child. Since the marriage was consummated and there was no quarrel between them, he continued to live with her. However, on attaining the age of of majority, the third respondent eloped with one Neethipathi @ Balu. Later, left with no other option, the petitioner had filed a divorce petition in H.M.O.P No.197 of 2019 before the Subordinate Court at Melur. However, the learned trial Court, recording the fact that the petitioner had married a minor girl, had rejected the HMOP as not maintainable. Since the



marriage between the petitioner and the third respondent is void *ab initio*, the petitioner remarried and he is living with his wife peacefully. In the meanwhile, the third respondent has now lodged a complaint with the allegation that the petitioner has the possession of her jewellery. In this regard, the second respondent police is harassing him.

4.The Government Advocates(Crl.side), on instructions, submitted that earlier the third respondent lodged a complaint before the second respondent police, in which, enquiry was conducted and closed. Not satisfied with the same, she further approached the Superintendent of Police, who forwarded the same to the second respondent, for which, the petitioner has been required to appear before the second respondent. He further submitted that the petitioner may appear and give a statement, on the basis of which, the second respondent police would further close the complaint.

5.Heard the learned counsel on either side and carefully perused the materials available on record.

6.Considering the nature of the facts involved, this Court is of the considered view that the second respondent police need not further require the



petitioner to appear before them for the purpose of closing the pending current paper, which is forwarded from the first respondent police. However, the third respondent is directed to approach the appropriate Judicial Magistrate for whatever relief she requires as against the petitioner by filing a petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005, if so advised. It is made clear the second respondent will not require the petitioner to appear before them any further.

7. With the above direction, this Criminal Original Petition is allowed.

06.02.2026

NCC : Yes / No

Index : Yes / No

Rmk

To

1. The Superintendent of Police,
Madurai District, Madurai.
2. The Inspector of Police,
All Women Police Station,
Melur, Madurai District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

Rmk

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