

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2015

CORAM

The Hon'ble Mr. Justice R.S.Ramanathan

Crl.O.P.No. 2672 of 2015

Mohamaed Yusuf

...Petitioner

vs.

1.The Commissioner of Police,
Chennai City, Veppery,
Chennai - 600 007.

2. The Inspector of Police,
P.1, Pulianthope Police Station,
Chennai - 600 012.

...Respondents

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code praying to direct the second respondent/Inspector of Police, P.1, Pulianthope Police Station, Chennai, to register a case on the complaint sent by the petitioner to the respondents on 27.01.2015, by speed post.

For Petitioner : M/S.R.Vinupriyanga

For Respondents : Mr.M.Maharaja
Additional Public Prosecutor

O R D E R

The prayer in this Petition is to direct the second respondent to register a case on basis of the petitioner's complaint, dated 27.01.2015.

2. It is submitted by the learned counsel for the petitioner that the petitioner is married to one Saraswathy @ Zulaikka, and one Parthasarathy by inducing the petitioner's wife, kidnapped her illegally and married her during the subsistence of marriage with the petitioner. Thereafter, Parthasarathy gave letter on 16.01.2013, stating that he will not interfere with the petitioner married life with his wife. Even thereafter, on 23.01.2015, the petitioner received a call from the said Parthasarathy, who informed that he has abducted the petitioner's wife and threatened the petitioner that he will make the petitioner's wife into mad, and therefore, the said Parthasarathy has committed the offence under Sections 406 and 418,

493, 494, 497, 498 and 506 i IPC, and therefore, action has to be taken against the Parthasarathy. For that purpose, the petitioner has given complaint, dated 27.01.2015, to the respondent/Police. Since no action has been taken regarding the petitioner's complaint, the petitioner is before this Court by way of filing present, seeking for the aforesaid relief.

3. It is submitted the learned Additional Public Prosecutor, representing the respondent/Police that the petitioner filed Habeas Corpus Petition No.385 of 2015, for production of his wife and she was produced before the Hon'ble Division Bench and the said Habeas Corpus Petition was closed on the basis of the statement given by the petitioner's wife. The Additional Public Prosecutor further submitted that on the complaint given by the petitioner, his wife was enquired into, and she deposed that she went along with her maternal uncle on her own, and nobody kidnapped her and she is going to take action against the petitioner through the Family Court.

4. Considering the submissions of the learned Additional Public Prosecutor that the petitioner's wife was examined and she has given statement that she went on her own volition and she was not kidnapped by the aforesaid Parthasarathy, as alleged by the petitioner, I do not find any merit in the Criminal Original Petition.

5 In the result, the Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar

Dated:17.3.15

True Copy

Sub Assistant Registrar

To

1. The Commissioner of Police,
Chennai City, Veppery,
Chennai - 600 007.
2. The Inspector of Police,
P.1, Pulianthope Police Station,
Chennai - 600 012.
3. The Public Prosecutor,
High Court, Madras.

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Cr1.O.P.No. 2672 of 2015