

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.30501 of 2015

P.Saravanan

... Petitioner

Vs

- State Represented by
1. The Deputy Superintendent of Police,
Uthangarai,
Krishnagiri District.
 2. The Inspector of Police,
Kallavi Police Station,
Krishnagiri District.
- ... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the second respondent to register a case on the petitioner's complaint dated 29.07.2015.

For Petitioner : Mr.K.Balasubramaniam

For Respondents : Mr.C.Emalias
Additional Public Prosecutor

O R D E R

The present criminal original petition has been filed to direct the second respondent to register a case on the petitioner's complaint dated 29.07.2015.

2. The petitioner herein lodged a complaint as against his wife Revathy and one Srinivasan and Prakash stating that the said persons without informing the petitioner, have taken the petitioner's two minor sons namely Krishna and Gokul. Based on the complaint lodged by the petitioner, C.S.R.No.296 of 2014 has been assigned and the said persons were called for enquiry. While so, on 23.11.2014, the said Revathy and Prakash appeared for enquiry and informed that the children are in the custody of Srinivasan and that they will produce the children before the respondent police as and when they were called for enquiry. On one another occasion, when the said Srinivasan and Prakash were called for enquiry, it was informed by them that the

petitioner's minor children are not in their custody. Therefore, the petitioner filed G.W.O.P.No.10 of 2015 before the Principal District and Sessions Judge, Krishnagiri. In the said G.W.O.P. No.10 of 2015 by an order dated 17.08.2015, the petitioner was granted the custody of the his minor children. Even after the same, the minor children of the petitioner were not traceable. Therefore, the petitioner once again lodged a complaint as against the said persons before the said persons on 29.07.2015. Though C.S.R.No.245 of 2015 has been assigned on the complaint of the petitioner, no action was taken on the complaint by the second respondent till date. Hence, the petitioner has come forward with the present criminal original petition.

3. I have heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondents.

4. The learned Additional Public Prosecutor submitted that on receipt of the complaint of the petitioner, CS.R.No.245 of 215 has been assigned and a detailed enquiry was conducted and the said complaint was closed since the allegation made in the complaint do not constitute any cognizable offence. He also produced a copy of the closure report before this Court.

5. In view of the submissions made on either side, as the complaint given by the petitioner has already been closed, nothing survives in this petition and this petition is closed with liberty to the petitioner to work out his remedy in the manner known to law, especially when the petitioner is having an order in G.W.O.P.No.10 of 2015 in his favour. The second respondent is directed to furnish a copy of the closure report to the petitioner within one week from the date of receipt of a copy of this Order.

vrc

s/d-
Assistant Registrar (CO)

True Copy

Sub-Assistant Registrar

To

1. The Deputy Superintendent of Police,
Uthangarai,
Krishnagiri District.
2. The Inspector of Police,
Kallavi Police Station,
Krishnagiri District.

3. The Public Prosecutor,
High Court, Madras.

+ 1 cc to M/s.K.Balasubramaniam, Advocate SR 1323

mp(co)
prk25/1

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