

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

CrI.O.P.No.30503 of 2015

D.Ramachandran

... Petitioner

Vs

1. The Deputy Commissioner of Police,
Flower Bazaar Range,
Chennai - 600 001.
2. The Assistant Commissioner of Police,
Flower Bazaar Range,
Chennai - 600 001.
3. The Inspector of Police,
C-3, Seven Wells Police Station,
Chennai - 6001. Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the third respondent herein to register a FIR based on the complaint dated 14.01.2015 in C.S.R.No.27/CSR/ C3PS/15 and take necessary action according to law.

For Petitioner : Mr.G.Karthikeyan

For Respondents : Mr.C.Emalias
Additional Public Prosecutor

सत्यमेव जयते
O R D E R

The present criminal original petition has been filed to direct the third respondent herein to register a FIR based on the complaint dated 14.01.2015 in C.S.R.No.27/CSR/C3PS/15 and take necessary action according to law.

2. The petitioner is running a business in No.65, Thanga Salai Street, Ramar Temple Building, Chennai - 600 079 for the past 50 years and residing in the same address. The wife of the petitioner died on 26.03.2010. Thereafter, the petitioner arranged for the marriage of his son and the marriage took place on 23.01.2013. After the marriage, the petitioner's son and his wife started ill-treating the petitioner.

Therefore, the petitioner went to his shop and started staying there. Thereafter, the petitioner's son sent the petitioner out of the shop and did not permit the petitioner even to enter the shop and the petitioner was made to starve without money. Hence the petitioner gave a complaint before the District Collector under Rule 3 of Tamil Nadu Maintenance and Welfare of Parents and Senior Citizens Rules 2009 and Maintenance and Welfare of Parents and Senior Citizens Act 2007. The said complaint was enquired in to by the Sub-Divisional Magistrate-cum-Personal Assistant to the District Collector and an order dated 08.09.2014 was passed in G4/18094/2014 holding that the petitioner's son does not have any right in the said shop and if the son of the petitioner creates any problem, the petitioner shall approach local police and get necessary protection. Thereafter, on 14.01.2015, around 8.00 p.m., the son of the petitioner along with three others entered into the shop of the petitioner and took the materials worth around Rs.70,000/- to Rs.1,00,000/- and also various property documents and other certificates and took away the mobile phone of the petitioner and assaulted him. Immediately, the petitioner lodged a complaint before the third respondent. Though C.S.R.No.27/CSR/C3PS/15 was assigned on the complaint of the petitioner, no action was taken on the said complaint 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 respondent.

4. The learned Additional Public Prosecutor submitted that on receipt of the complaint from the petitioner C.S.R.No.27 of 2015 has been assigned and a detailed enquiry was conducted on the complaint given by the petitioner and the said complaint was closed based on the undertaking given by the petitioner's son. 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 was already closed, nothing survives in this petition and this petition is closed with liberty to the petitioner to work out his remedy under section 156(3) Cr.P.C. The third respondent is directed to serve 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(CS-V)

True Copy

Sub-Assistant Registrar

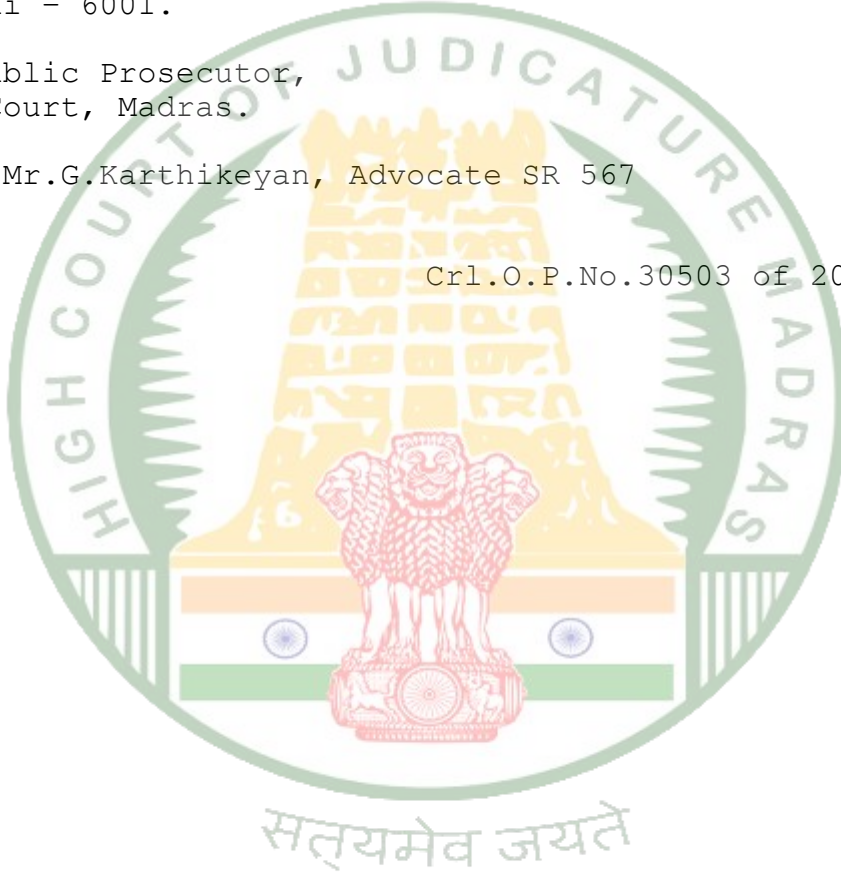
To

1. The Deputy Commissioner of Police,
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3. The Inspector of Police,
C-3, Seven Wells Police Station,
Chennai - 6001.
4. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.G.Karthikeyan, Advocate SR 567

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