

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.394 of 2016

Uma

... Petitioner

/versus/

State rep.by
Inspector of Police,
C-2, Police Station,
Arani,
Thiruvallur District.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the respondent police to register a FIR on the basis of the complaint given by the petitioner dated 09.10.2015.

For Petitioner : Mr.S.Venkatesh

For Respondent : Mr.C.Emalias
Additional Public Prosecutor

O R D E R

The present criminal original petition has been filed seeking a direction to the respondent police to register a case on the basis of the complaint given by the petitioner dated 09.10.2015.

2.The case of the petitioner is as follows: The petitioner is residing at Malliankuppam Village, Kavalimedu, Thiruvallur District for the past several years. The petitioner's husband met with an accident and sustained head injury. Consequent to the accident, he lost memory. Considering the pathetic condition of the petitioner's husband, one Vasantha/sister-in-law and her husband Muthu, one Ganesan and

one Ravi, promised that they will give best medical treatment and take care the husband of the petitioner viz, Selvan. Believing their words, the petitioner sent her husband with the above said persons. The petitioner's husband Selvan has got ancestral properties. The properties were not settled between the family members of the petitioner's husband. The said persons by taking advantage of the disability condition of the petitioner's husband, took several signatures and sold a portion of the properties and got several lakhs of rupees. In that process, not even a single paisa was paid to the petitioner's husband. Since the petitioner's husband was not treated as promised by them, the petitioner has brought him to her house. However, on 09.10.2015, though the petitioner refused to send her husband along with them, they had taken the petitioner's husband along with them and also threatened the petitioner and her son with dire consequences. Hence, the petitioner lodged a complaint before the respondent police. Since till date no action was taken, the petitioner has filed the present criminal original petition.

3.The learned Additional Public Prosecutor submitted that on receipt of the complaint of the petitioner, C.S.R.No.1/2015 has been assigned and the matter is pending for enquiry. He further submitted that when the respondent-police tried to call for enquiry, it was found that the petitioner is not residing in the address mentioned in the complaint. Therefore, this Court may direct the petitioner to co-operate with the respondent-police for enquiry.

4.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

5.In view of the submissions made by the petitioner as well as the Additional Public Prosecutor, this Court directs the petitioner to co-operate with the respondent-police for enquiry. Further, this Court directs the respondent-Police to conduct enquiry on the basis of the complaint given by the petitioner, dated 09.10.2015 in C.S.R.No.1 of 2015 and upon enquiry, if materials are gathered indicating commission of any cognizable offence, the respondent is directed to proceed further in accordance with law, as early as possible. If no prima facie case is made out for registering the FIR, the respondent is directed to pass an appropriate order on the said complaint.

6.This Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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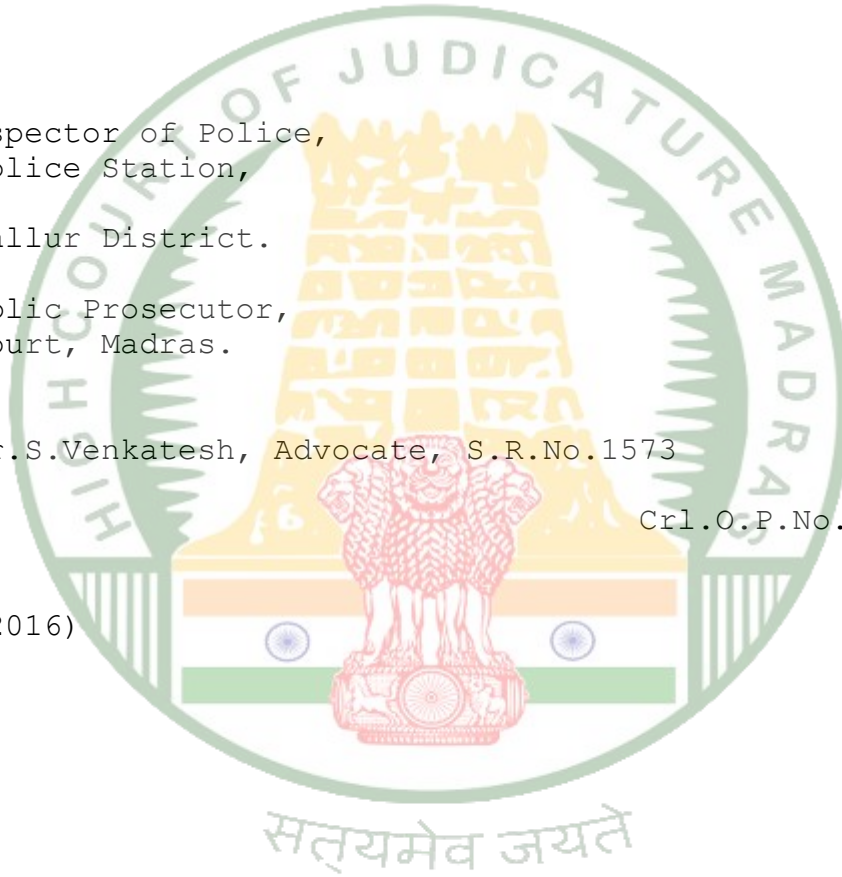
To

1. The Inspector of Police,
C-2, Police Station,
Arani,
Thiruvallur District.
2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Venkatesh, Advocate, S.R.No.1573

Cr1.O.P.No.394 of 2016

AD(CO)
CA(21/01/2016)



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