

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.06.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.7350 of 2016

P.Saravanan

.. Petitioner

Vs

1.The Deputy Superintendent
of Police, Utangarai,
Krishnagiri District.

2.The Inspector of Police,
Kallavi Police Station,
Krishnagiri District.

3.Prakash
4.Srinivasan

.. Respondents

Criminal Original petition filed under Section 482 of Cr.P.C., to direct the 2nd respondent to register the case on the petitioner's complaint dated 13.02.2016.

For Petitioner : Mr.M.Ravi

For R1 and R2 : Mr.C.Emalias, APP

O R D E R

This petition has been filed to direct the 2nd respondent to register case on the petitioner's complaint dated 13.02.2016.

2. Heard the learned counsel for the petitioner and perused the materials placed on record.

3. For the sake of convenience, the parties will be referred to by their name. Saravanan got married to Revathi and they have two children Krishna [6 years] and Gokul [4 years] through the wedlock. The couple got estranged. Pursuant to which, Revathi was living separately with the two children in Bangalore. Revathi's brothers Prakash and Srinivasan are living in Tumkur in Karnataka. Saravanan filed GWOP.No.10 of 2015 on the file of the Principal District Court, Krishnagiri for custody of two children and obtained an ex parte order by which, the District Court has directed Revathi to handover the custody of two children to Saravanan. On the strength of the order, Saravanan filed a police complaint alleging that the two children are in the custody of Prakash and Srinivasan, who are brothers of Revathi.

4. Today, when the matter was called, Prakash, Srinivasan and Revathi are present before this Court. Revathi has filed an affidavit, wherein, she has stated as follows:

"1. I state that though I am not party to the above proceeding, as the above Crl.OP.No.7350 of 2016 is filed by my husband, the petitioner herein, for a direction against my brothers, the respondents [3] & [4] herein for registering FIR, alleging that the children S.Krishna, now aged about 6 years and S.Gokul, now aged about 4 years, born out of wedlock between myself and the petitioner herein, are under my brother's illegal custody.

2. I state that today on 20.06.2016, the above matter came up before this Hon'ble High Court and I appeared before this Hon'ble High Court along with my son S.Krishna and explained the facts that my children are not under the custody of my brothers and my children are under my custody.

3. I state that I am not aware of the exparte order passed by Hon'ble District Court, Krishnagiri and I am aware of the same only today after understanding the averments in the petition. And I am taking steps to set-aside the above said exparte order.

4. I state that my brothers are unnecessarily harassed by my husband the petitioner herein, by alleging false complaints as against them.

5. I state that my children S.Krishna and S.Gokul are under my custody and I am residing at No.112, 1st Main Sidarth Nagar, Nelamangala Main Road, Bangalore-560 091, Karnataka District."

5. It is the grievance of Revathi that Saravanan is not paying any money as maintenance to the children and she is struggling to bring them up in Bangalore in her sister's house.

6. Under such circumstances, direction as prayed for cannot be granted in a petition under Section 482 Cr.P.C. However, Saravanan and Revathi are directed to appear before the Principal District Judge at Krishnagiri, in order to bring out an amicable settlement, in the interest of two children. Saravanan is directed to deposit a sum of Rs.10,000/- before 5th of every English calendar month to the credit of GWOP.No.10 of 2015 on the file of the Principal District Court, Krishnagiri as ad-interim maintenance without prejudice to his defence for the two children. On such deposit, Revathi is entitled to withdraw the same. For the month of June 2016, the said sum of Rs.10,000/- shall be deposited on or before

30.06.2016.

7. Revathi undertakes to file a set aside application before the Principal District Judge, Krishnagiri for setting aside the ex parte order passed in GWOP.No.10 of 2015, which shall be decided in accordance with law.

8. In the meantime, the learned Principal District Judge, Krishnagiri is directed to send Saravanan and Revathi to the local mediation centre for trying to bring about an amicable settlement. The parties have undertaken to appear before the Principal District Judge, Krishnagiri on 30.06.2016 at 10.30 a.m.

With the above direction, this petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1.The Principal District Judge,
Krishnagiri.

2.The Deputy Superintendent of Police,
Utangarai, Krishnagiri District.

3.The Inspector of Police,
Kallavi Police Station,
Krishnagiri District.

4.The Public Prosecutor,
High Court, Madras.

+2ccs to M/s. K. Amudhavalli, Advocate, S.R.No.34581

+1cc to M/s. M. Ravi, Advocate, S.R.No.34035

PPA(CO)
EU(28/06/2016)

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