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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2018

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH

Cr1.O.P. No.20202 of 2017

1 P. Visalakshi

2 M. Aarthi ..Petitioners/Accused 1 & 2

vs.

1 State represented by
the Inspector of Police (L & O)
Chromepet Police Station
Chromepet, Chennai 600 044 ..Respondent/Complainant

2 P. Gnanasekar ..Respondents/Defacto Complainant

Criminal Original Petition filed under Section 482 Cr.P.C.
seeking to call for the records relating to the case in Cr.
No.860 of 2017 on the file of the first respondent police and
quash the same.

For petitioners Mr. C.S. Dhanasekar

For R1 Mr. C. Iyyappa Raj

Additional Public Prosecutor

For R2 Mr. Rajasekar

ORDER

This Criminal Original Petition has been preferred seeking
to call for the records relating to the case in Cr. No.860 of
2017 on the file of the first respondent police and quash the
same.

2 For the sake of convenience, the parties are referred
to by their name.

3 On the complaint lodged by one Gnanasekar, the second
respondent herein, the first respondent police registered a case
in Cr.No.860 of 2017 on 20.07.2017 under Sections 365 and 506(1)
IPC against Visalakshi and Aarthi, the petitioners herein. It is
the case of Gnanasekar that his father Perumal died intestate



leaving huge properties. In order to usurp the said properties, his mother Visalakshi and Aarthi forcibly abducted and admitted him on 27.06.2017 to a de-addiction centre and confined him there. He earned his freedom from there on the intervention of his friends. After earning his freedom, Gnanasekar lodged a complaint, pursuant to which, an FIR has been registered, as stated above and Visalakshi and Aarthi were arrested by the police and remanded to custody and after they were released on bail, they have filed the present application for quashing the FIR.

4 Heard Mr. C.S. Dhanasekaran, learned counsel for Visalakshi and Aarthi, Mr. C. Iyappa Raj, learned Additional Public Prosecutor appearing for the first respondent State and Mr. Rajasekar, learned counsel for Gnanasekaran.

5 Mr. Dhanasekaran strenuously contended that Gnanasekar is addicted to liquor and only to rehabilitate him, he was taken and admitted to ADAPT Trust, a de-addiction-cum-Rehabilitation Centre in West Tambaram, Chennai and that it was not the intention of Visalakshi and Aarthi to grab the properties. He further brought to the notice of this Court that a suit has been filed by Aarthi in O.S. No.313 of 2017 before the District Court, Chengalpet, for partition of the properties of the late Perumal by metes and bounds, in which, all the legal heirs of Perumal, including Gnanasekar has been arrayed as parties and that the said partition suit was filed in December 2017, whereas, the alleged abduction was in June 2017.

6 Per contra, Mr. Rajasekar, learned counsel for Gnanasekar refuted the contentions put forth by Mr. C.S. Dhanasekaran, learned counsel for Visalakshi and Aarthi.

7 This Court gave its anxious consideration to the rival submissions.

8 On a reading of the FIR, it is seen that there are allegations to the effect that Gnanasekar was abducted on 27.06.2017 and was forcibly admitted to the hospital.

9 It is to be noted that this Court cannot go into disputed questions of fact while dealing with a petition under Section 482 Cr.P.C. However, this Court is of the view that interests of justice would be sub-served if the investigation in this case is monitored by the Assistant Commissioner of Police, in order to find out whether Visalakshi had any ill motive in admitting Gnanasekar in the Rehabilitation Centre. If, during investigation, it is found that Gnanasekar was not abducted, but, was taken to the Rehabilitation Centre for his own good, by Visalakshi, needless it is to state that further action against Visalakshi and Aarthi should be dropped.



This Criminal Original Petition stands closed with a direction to the Assistant Commissioner of Police in charge of Chromepet Police Station, to monitor the investigation in Chromepet Cr. No.860 of 2017 and complete the same expeditiously.

-s/d-

Assistant Registrar(CS-IX)

True Copy

Sub-Assistant Registrar

cad

To

- 1 The Inspector of Police (L & O)
Chromepet Police Station
Chromepet
Chennai 600 044
- 2 The Assistant Commissioner of Police
In charge of Chromepet Police Station
Chennai
- 3 The Public Prosecutor
Madras High Court
Chennai 600 104

+3 Ccs to Mr.P.K. Narayanan, Advocate sr 49591.

+1 CC to Mr.S. Rajasekar, Advocate sr 49619.

Crl.O.P. No.20202 of 2017

SP(06/08/2018)