



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CRL.O.P No.6105 of 2018

S. Vijukumar @ Biju Kumar

...Petitioner

Vs.

1. The Commissioner of Police,
Vepery, Chennai -7

2. The Inspector of Police,
Thuraipakkam Police Station,
Chennai - 97.

3. N.Usha @ Usha Kumari

4. V. Babu

.. Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to direct the 1st respondent to issue direction to the 2nd respondent to take appropriate action against the 3rd and 4th respondent to recover petitioners original educational certificates, Passport, Canara Bank, Axis Bank and Karuru Vysya Bank pass Book and Cheque Book, Engineering License and the Parental documents of the property which abducted from me and the 50 sovereigns of gold jewels given to petitioners wife at the time of marriage on the complaint lodged by the petitioner before 1st and 2nd respondents and 2nd respondent issued a receipt vide CSR.No.9/2016 dated 12/01/2016 on the complaint dated 12/01/2016.

For Petitioner : Mr.R.Balasubramanian

For Respondents 1 and 2 : Mr.A.Gopinath
(Government Advocate)

ORDER

This petition has been filed to direct the 1st respondent to issue direction to the 2nd respondent to take appropriate action against the 3rd and 4th respondent to recover petitioners original educational certificates, Passport, Canara Bank, Axis



Bank and Karuru Vysya Bank pass Book and Cheque Book, Engineering License and the Parental documents of the property which abducted from the petitioner and the 50 sovereigns of gold jewels given to petitioners wife at the time of marriage on the complaint lodged by the petitioner before 1st and 2nd respondents and 2nd respondent issued a receipt vide CSR.No.9/2016 dated 12/01/2016 on the complaint dated 12/01/2016.

2. The facts of the case is that the petitioner married the third respondent on 03.05.1996 and out of the wedlock two children were born to them by name Shruthi and Swathi. Initially the petitioner's family life was running very smoothly. Later one V.Babu/4th respondent who is the paternal aunt's son of the third respondent used to come to petitioner's house and developed illegal affair with the third respondent. Thereafter the third respondent left her matrimonial house and stayed with the said Babu along with two daughters. Subsequently the third respondent filed a maintenance petition in M.C.No.26 of 2016 on the file of Judicial Magistrate, Tambaram and the petitioner also filed a petition in Crl.M.P.No.1532 of 2017 in Crl.O.P.No.2145 of 2017 before this Court to call for the records and quash the maintenance petition filed by the third respondent and interim stay was also granted in Crl.M.P.No.1532 of 2017 in Crl.O.P.No.2145 of 2017 on 09.02.2017.

3. The further case of the petitioner is that the 3rd and 4th respondents in order to grab the petitioner's property threatened him with dire consequences. Hence due to life threat the petitioner left his house and went to Kerala with all his Original Educational Certificates, Passport, Canara Bank, Axis Bank and Karur Vysys Bank and Pass Books and Cheque books, and original property documents. After some time when the petitioner returned to Chennai the third and fourth respondent came to petitioner's house and threatened forcibly obtained petitioner's signature for transferring the properties and they have stolen the petitioners educational certificates, original property documents and 50 soverignes of gold. It is pertinent to note that the 50 soverignes of gold are presented to the third respondent by the petitioner at the time of marriage. As the petitioner's properties and his certificates were snatched by the third and fourth respondent, the petitioner is jobless and he was able to run his day to day life. Hence, he filed a complaint before the second respondent who inturn had registered the case and assigned C.S.R.No.9 of 2016.

4. The learned counsel for the petitioner submits that despite lodging complaint no action was taken by the respondent police against the third and fourth respondent, which lead to filing of the present petition and prays this Court to issue a direction to the 1st and 2nd respondents to take appropriate



action against the 3rd and 4th respondent and recover petitioners original educational certificates and other properties.

5. In the above facts and a complaint having already been filed by the petitioner, there shall be a direction to the 2nd respondent to consider the petitioner's complaint in C.S.R.No. 9 of 2016 dated 12.01.2016 on its own merits and pass orders in accordance with law within a period of four weeks from the date of receipt of copy of this order.

6. However, the petitioner is granted liberty to appear before the Judicial Magistrate, Tambaram in M.C.No.26 of 2016 and establish his rights by adducing documents in their support.

With these observations this Criminal Original petition is disposed of accordingly.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

smn

To

1. The Commissioner of Police,
Vepery, Chennai -7
2. The Inspector of Police,
Thuraipakkam Police Station,
Chennai - 97.
3. The Public Prosecutor,
High Court, Madras.
4. The Judicial Magistrate,
Tambaram.

+1cc to Mr.R.Balasubramanian, Advocate, S.R.No.31876

CRL.O.P No.6105 of 2018

PCH(CO)
HS(19/08/2021)