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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.11873 of 2021

G.Venkatesan

...Petitioner

Versus

1. The State Rep. by,
The Superintendent of Police,
Vellore District,
Vellore.

2. The Inspector of Police,
Vellore South Police Station,
Vellore District.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 2nd respondent to register a case based on the statement of the petitioner's mother recorded by the 2nd respondent Police dated 16.06.2021 pending on the file of the respondent police.

For Petitioner : Mr.E.Kannadasan

For Respondents : Mr.A.Damodaran,
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to direct the 2nd respondent to register a case based on the statement of the petitioner's mother recorded by the 2nd respondent Police, dated 16.06.2021 and representation dated 21.06.2021.

2.The learned counsel for the petitioner submitted that the petitioner's estranged wife Nandhini, his father-in-law, mother-in-law, brother-in-law and two others including one Ramya had trespassed into his house illegally. The said Ramya attacked the petitioner by using her nails and the petitioner's minor son



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Dhanvanth was forcibly kidnapped by them and the petitioner's mother was also assaulted. There is matrimonial dispute between the petitioner and her estranged wife Nandhini. Due to which, the petitioner had filed a divorce petition in F.C.O.P.No.287 of 2019 before the learned Judge, Family Court, Vellore and also filed custody petition in G.W.O.P.No.286 of 2019 and the same are pending. The learned counsel further submitted that the petitioner's minor son is studying 1st std in Seven Hills School. The said Ramya, who is working in Police Department and a relative of one Additional Deputy Superintendent of Police, was instigating the petitioner's in-laws to act with force and illegal manner. On 16.06.2021, at about 10.30 a.m., the petitioner's mother discharged from the hospital after treatment. The petitioner gave a complaint to the Child Care Emergency 1098 and the personnels from the Child Care Emergency came to the house of the petitioner, conducted enquiry with regard to the issues. When the petitioner had lodged the complaint with Police, the same was not entertained, since the said Ramya, who is working in the Police Department.

3.The learned Government Advocate (Crl. Side) appearing on behalf of the respondents submitted that on the complaint of the petitioner, a case in Crime No.248 of 2021 for offence under Sections 294(b) and 323 IPC was registered. Hence, he prayed for dismissal of the same.

4.At this stage, the learned counsel for the petitioner submitted that on perusal of the complaint and the medical report, it reveals serious offence committed by the family members of the estranged wife of the petitioner. The petitioner's in-laws along with Ramya had forcibly entered the house, kidnapped the minor son and assaulted the petitioner and his mother. Hence, the offence of kidnapping, threatening and criminal intimidation are to be included and since the petitioner's mother was also assaulted, the offence under the Tamil Nadu Prohibition of Women Harassment Act is also to be included.

5.From the submission of the Government Advocate (Crl. Side), it could be seen that FIR has been registered against the five named persons and two unnamed persons. It is also seen that the FIR has been registered for minor offences.

6.In view of the above, the 2nd respondent Police is directed to furnish the copy of the FIR in Crime No.248 of 2021 to the petitioner. If the petitioner aggrieved on the FIR, he may send representation to the respondents and then to if no action taken, the petitioner may approach the concerned Court and seek remedy.



7. With the above directions, this Criminal Original Petition is disposed of.

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Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police,
Vellore District,
Vellore.
2. The Inspector of Police,
Vellore South Police Station,
Vellore District.
3. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.11873 of 2021

PMK (CO)
RGA (24/08/2021)