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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.13741 of 2021

G.Shiyamalakumari

... Petitioner

Versus

1. The State of Tamil Nadu

Represented by

The Commissioner of Police

No.132, Commissioner Office Building

EVK Sampath Road

Vepery, Periyampet

Chennai 600 007.

2. Foreigners Regional Registration Officer (FRRO)

Shastri Bhawan Annexe Building

26 Haddows Road

Nungambakkam

Chennai 600 006.

3. The State of Tamil Nadu

Represented by

The Inspector of Police

J-8, Neelangarai Police Station

4/221, East Coast Road

Chennai 600 115.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to register the First Information Report (FIR) based on the petitioner's complaint dated 08.07.2021.

For Petitioner : Mr.V.Rajasekar

For Respondents: Mr.A.Damodaran

Government Advocate (Crl.Side)

ORDER

This petition has been filed to register the First Information Report (FIR) based on the petitioner's complaint dated 08.07.2021.

2. The petitioner, who is a Senior Citizen, has filed



this petition seeking directions to the second respondent to consider the representation of the petitioner dated 08.07.2021 and the third respondent to act on representation dated 22.07.2021.

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3. The gist of the case is that the petitioner is a Senior Citizen and she had lost her husband Shanmuganathan. She acquired and in enjoyment of several properties. She has two sons namely, one Mahendra Shanmuganathan, settled in Australia acquired Australian Citizenship and another son Vijayendra Shanmuganathan, residing in Russia and working at Russian Space Research Laboratory Rocket Engineer at Russia. After demise of her husband, she settled all her properties to both the sons by Doc.No.1066 of 2017 dated 23.03.2017 in SRO, Adyar. As per the settlement, the petitioner's elder son got 60% and the petitioner's younger son got 40%.

4. Further, the elder son convinced the petitioner to come along with him and accordingly proceeded to Australia. After petitioner went there, from the day on which he set her foot in Australia, the attitude, character and treatment of the elder son Mahendra Shanmuganathan towards his mother was so indifferent, unlike the love and affection as was perpetrated at India and the same was so intolerable in Australia. The petitioner was confined in a secluded place, which was intentional and not allowed to communicate with anyone in Australia, including the family of the elder son and other persons, the barest minimum of cell phone was not provided. The petitioner's elder son stolen all the belongings, viz., Passport, FD receipts, Bank Pass Book, Adhar Card, PAN Card, Voter ID and her jewels and she was also ill treated. She was unable bear the torture and then she forced her elder son to get her back to India. Thereafter, she came to India and taken to Kerala in an isolated place in Vellarada a hamlet village in Thriuvananthapuram, where the younger sister of the petitioner resides.

5. Thereafter, the petitioner had executed a Rectification Deed on 08.05.2020 registered as Doc.No.2576 of 2020. In the meanwhile, in one of the property, the petitioner's elder son entered joint agreement with M/s.Srinivasa Construction and thereafter, some dispute arose. After the settlement, the elder son is not taking care of the petitioner and the property in Semmanchery Village is being dealt by the petitioner's elder son through an agency herein Chennai and thereby denying the petitioner of her property. The petitioner's elder son had filed a suit in O.S.No.152 of 2020 before the Principal District Court. The said M/s.Srinivasa Construction has also filed a Civil suit before this Court. The petitioner's elder son retained all her ID cards, FD receipts and jewels and



causing annoyance and disturbance by filing suits and also by creating problems. Hence, the petitioner now settled with her younger son and he is taking care of her welfare. The petitioner had made a representation to both the respondents 2 and 3, but no action taken.

6. The learned Government Advocate (Crl.Side) has submitted that on receipt of the complaint of the petitioner and considering her age, the respondent police had visited the petitioner's house on 13.07.2021 for enquiry. The petitioner due to her age and failing health condition, was unable to answer any of the question and it was her second son Vijayendra Shanmuganathan answered all the questions. It seems that there is some dispute between the petitioner and her elder son Mahendra Shanmuganathan, who is in Australia. Hence, the respondent police advised the petitioner to approach the Collector by filing appropriate petition under the Senior Citizenship Act for revoking the settlement.

7. Considering the submissions and on a perusal of the materials, it is seen that the petitioner had settled her property in the name of her elder son on the promise that he would take care of her. Thereafter he failed to take care of her. In view of the same, this Court directs the respondents 2 and 3 to take appropriate action and also give protection to the petitioner under Senior Citizenship Act.

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

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

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To

1. The Commissioner of Police
No.132, Commissioner Office Building
EVK Sampath Road
Vepery, Periyampet
Chennai 600 007.
2. The Foreigners Regional Registration Officer (FRRO)
Shastri Bhawan Annexe Building
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Nungambakkam
Chennai 600 006.



3. The Inspector of Police
J-8, Neelangarai Police Station
4/221, East Coast Road
Chennai 600 115.

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4. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.13741 of 2021

KSM(CO)
PM(02/09/2021)