



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 08.07.2021

CORAM:
THE HONOURABLE MR.JUSTICE **G. ILANGO VAN**
Crl.O.P. (MD)No.5151 of 2020

S.Gulam Mohamed

... Petitioner

Vs.

1. The Superintendent of Police,
Ramanthapuram District.
- 2.The Deputy Superintendent of Police,
Thiruvadanai,
Ramanathapuram District.
- 3.The Sub-Inspector of Police,
S.P.Pattinam Police Station,
Ramanathapuram District.
- 4.Sali Mulla
- 5.Sarabunisha

... Respondents

R4 and R5 are impleaded as per the order of this Court dated 23.04.2021 in Crl.M.P(MD).No.616 of 2021 in Crl.O.P(MD).No.5151 of 2020.

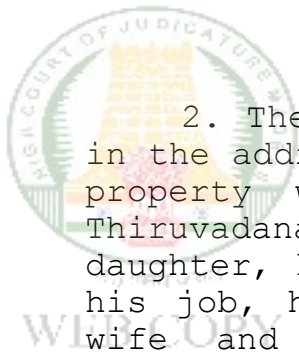
PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the first respondent to instruct the third respondent to complete the enquiry upon the petitioner complaint dated 09.02.2020 pending on the file of the third respondent within a time frame fixed by this Court.

For Petitioner : Mr.V.Manikandan

For Respondents : Mr.R.M.Anbunithi
Additional Public Prosecutor

O R D E R

This petition has been filed to direct the first respondent to instruct the third respondent to complete the enquiry upon the petitioner complaint dated 09.02.2020 pending on the file of the third respondent within a time frame fixed by this Court.



2. The case of the petitioner is that he is running a tea shop in the address mentioned in the petition. He has purchased the house property which is situated in Masthan Shakip Street, Vellaiyapuram, Thiruvadanai Taluk, Ramanathapuram District. For welfare of his daughter, he also purchased 80 sovereign gold ornaments. Because of his job, he was residing in Balavaankudi Sivagangai District. His wife and daughter were residing in Vellaiyapuram. When the petitioner was Balavaankudi at Sivagangai District, his wife was having illegal relationship with one Salimulla son of Shabraulla. On 26.01.2020, the fourth respondent married the petitioner's wife and they have taken away all the house hold articles along with the above said 80 sovereigns of gold jewels from the house. Further, the fourth respondent has sexually harassed the petitioner's daughter, which was also informed to the petitioner's wife. But, she did not take care. Thereafter, the petitioner's daughter informed the above said incident to her father. Hence, the petitioner made a complaint on 27.01.2020 before the All Women Police Station, Thiruvadanai and the F.I.R was registered against his wife and the fourth respondent in Crime No.3 of 2012 under Sections 8 and 17 of Protection of Child from Sexual Offence Act 2012. Further, the third respondent and the petitioner's wife had not only taken away the gold ornaments, but also taken away a sum of Rs.1.50 Crores, which was kept in the house for renovation of the work. Therefore, a complaint was made on 09.02.2020 before the third respondent and a receipt was also issued in C.S.R.No.27 of 2020, enquiry was undertaken. During the enquiry, they undertook to hand over the gold ornaments and other things to the petitioner. But they did not keep the promise. Therefore, on 16.03.2020, he made a complaint which is pending. Hence, the present petition has been filed.

3. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent Nos.1 to 3.

4. When the matter is taken up for hearing, the learned Additional Public Prosecutor would submit that based on the complaint given by the petitioner, enquiry was undertaken by assigning C.S.R.No.27 of 2020. During the course of enquiry, it was found that it is a matrimonial dispute between the petitioner and his wife and later, his wife married the fourth respondent herein. At that time of leaving in the house, they did not take any cash or gold articles. Recording the statement of both the parties, the first respondent herein advised them to approach the Family Court for appropriate relief. On that ground, the complaint was closed and the closure report is also circulated by the learned Additional Public Prosecutor.

5. Therefore, it is seen from the records that the complaint given by this petitioner has been closed. Hence, the question of <https://hcservicescourts.gov.in/hcservices> on to conclude the investigation or enquiry does not



arise and the petition itself becomes infructuous. However, the petitioner is at liberty to work out his remedy before the appropriate Court as advised by the Police.

6. With these directions, this Criminal Original Petition stands disposed of.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ssb

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Superintendent of Police,
Ramanthapuram District.
- 2.The Deputy Superintendent of Police,
Thiruvadanai,
Ramanathapuram District.
- 3.The Sub-Inspector of Police,
S.P.Pattinam Police Station,
Ramanathapuram District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.V.MANIKANDAN, Advocate (SR-22000[F] dated 09/07/2021)

Crl.O.P. (MD)No.5151 of 2020
08.07.2021

CM(CO)
RK (14.07.2021) 3P 6 C