

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP Nos.23698 and 23710 of 2015

Crl.OP.No.23698/15:

1.K.Karthik

2.K.Deepak

Petitioners in Crl.OP.No.23698/15
(both Petitioners rep.by their father and
Power Agent Kalaivanan)

Vs

- 1.The Commissioner of Police,
Chennai City,
Office of the Commissioner of Police,
Vepery,
Chennai - 600 007.
2. The Deputy Commissioner of Police,
Central Crime Branch,
Office of the Commissioner of Police for Chennai City,
Vepery,
Chennai - 600 007.
3. The State Rep. By
Inspector of Police, 17th team,
Central Crime Branch,
Office of the Commissioner of Police for Chennai City,
Vepery,
Chennai - 600 007.

4.P.V.Jayanthi Sundar R1 to R4 in Crl.O.P.23698/2015
[R4 impleaded as per order of this Court dt.01.03.2016
in Crl.MP.2335/16 in Crl.OP.No.23698/15]

Crl.OP.No.23710/15:

1.MR. M. KARTHIK

2.K. DEEPAK

BOTH RESIDING AT OLD NO. 16 NEW NO. 39
JUBILEE ROAD WEST MAMBALAM CHENNAI - 600
033. (BOTH REP. BY THEIR FATHER AND POWER
AGENT MR. KALAIVANAN) ..PETITIONERS

Vs

- 1.THE COMMISSIONER OF POLICE
CHENNAI CITY OFFICE OF THE COMMISSIONER OF
POLICE, VEPERY CHENNAI - 600 007

2.THE DEPUTY COMMISSIONER OF
POLICE R-1 MAMBALAM POLICE STATION T.
NAGAR CHENNAI - 600 017

3.THE INSPECTOR OF POLICE
LAW AND ORDER. R-3 ASHOK NAGAR POLICE
STATION CHENNAI - 600 083

4.P.V.JAYANTHI @ JAYANTHI IYANGA

5.SRIRAM PULLAPPAN

6.KUMARAVELU

7.R.AKILAN ..RESPONDENTS

(R4 to R7 impleaded as per order of the court dt.29.4.16 made
in CrI.MP.No.1/15)

CrI.O.P.No.23698 of 2015 filed under Section 482 Cr.P.C., to
direct the 1st respondent to form a special team for the
investigation of the above case in Crime No.249 of 2015 on the
file of the 3rd respondent and further direct that
investigation shall be under the supervision of the 2nd
respondent and file final report.

CrI.O.P.No.23710 of 2015 filed under Section 482 Cr.P.C.
to direct the respondents to give adequate police protection
to the petitioner and their family members including their
subject property at Old No.46, New No.2, Umapathi Street, to
an extent of 4,160 sq.ft. in T.S.No.1/33, West Mambalam,
Chennai 600 033.

For Petitioners in both WPs : Mr.G.Krishnakumar

For R1 to R3 in both WPs : Mr.C. Emalias,
Addl. Public Prosecutor

For R4 in both WPs : M.Saravanakumar

For R5 : Notice served in WP.23710/15

For R6 in WP.23710/15 : M/s.K.Seetharam

For R7 in WP.23710/15 : Mr.P.R.Raman

C O M M O N O R D E R

These Criminal Original Petitions have been filed seeking
a direction to the 1st respondent to form a special team for
the investigation in Crime No.249 of 2015 on the file of the
3rd respondent and further direct that investigation shall be
under the supervision of the 2nd respondent and file final
report; and to direct the respondents to give adequate police
protection to the petitioner and their family members
including their subject property.

2. Heard the learned counsel for the petitioners and the
learned Additional Public Prosecutor appearing for the State.

3. For the sake of convenience, the parties will be

referred to by their name.

4. According to Kalaivanan, the property that is in dispute belongs to his children and that P.V.Jayanthi had created a forged Will, on the strength of which it is alleged that she is claiming ownership over the said property. In this regard, on the complaint given by the petitioner, a case in Crime No.249/2015 has been registered against Jayanthi and others and investigation is in progress. Not satisfied with the progress of investigation, Karthik and Deepak, the children of Kalaivanan are before this Court in CrI.O.P.No.23698 of 2015 for transfer of investigation.

5. The respondent police have filed a status report detailing the steps that have been taken during the course of investigation in Crime No.249/2015. It is seen that Jayanthi was arrested by the police and she is on bail. The police have also referred the disputed documents for the report from the Finger Print Bureau, Chennai.

6. Be that as it may, this Court finds that the investigation done by the police so far cannot be seriously faulted. However, taking into consideration the fact that the property in question is a prime property in the city and there are cases and counter cases between the parties, it will be in the fitness of things if the investigation is proceeded further by an Officer not less than the rank of an Assistant Commissioner of Police, Central Crime Branch.

7. In view of the above, this Court directs the Assistant Commissioner of Police, Central Crime Branch, Anti Land Grabbing Cell, to proceed further with the investigation in Cr.No.249 of 2015 and take action in accordance with law expeditiously.

8. As regards the prayer for police protection in CrI.O.P.No.23698 of 2015, it is seen that even the letters of administration that was granted by this Court in OP No.842/2012 in favour of Jayanthi has been revoked by this Court by an order dated 19.12.2014 in Application Nos.4446 and 4447/2014.

9. It is alleged by Karthick and Deepak that Jayanthi and her group attempted to trespass into the disputed property and on the complaint given by their father Kalaivanan, the Inspector of Police, R3 Ashok Nagar Police Station has registered an FIR in Cr.No.500/2014 on 09.05.2014, u/s 448, 379 and 506(i) of IPC against Jayanthi and Ravi, and investigation is pending.

9. This Court is of the view that it will be in the fitness of things if the case in R3 Ashok Nagar Police Station Crime No.500/2014 is transferred from the file of the Ashok Nagar Police Station to the file of the Assistant Commissioner

of Police, Central Crime Branch, Anti Land Grabbing Cell, Chennai, to be investigated along with Cr.No.249/2015. The Assistant Commissioner of Police shall enquire into the matter and afford police protection to Karthik and Deepak, in the light of the fact that they have a decree in their favour in O.S.No.866/2002, dated 28.08.2014 passed by the VIII Assistant Judge, City Civil Court, Chennai against Jayanthi and that in the appeal in A.S.No.363 of 2014, there are no interim orders in favour of Jayanthi. The Assistant Commissioner of Police may direct the Inspector of Police, R3 Ashok Nagar Police Station, to put police pickets in the property for giving protection to the petitioners.

With the above direction, these Criminal Original Petitions are ordered accordingly.

Sd/-
Asst.Registrar (CSV)

/true copy/

Sub Asst. Registrar

To

- 1.The Commissioner of Police,
Chennai City,
Office of the Commissioner of Police,
Vepery,
Chennai - 600 007.
2. The Deputy Commissioner of Police,
Central Crime Branch,
Office of the Commissioner of Police for Chennai City,
Vepery,
Chennai - 600 007.
3. The Deputy commissioner of Police,
R1 Mambalam Police Station, T.Nagar Chennai.
- 4.The Inspector of Police, 17th team,
Central Crime Branch,
Office of the Commissioner of Police for Chennai City,
Vepery,
Chennai - 600 007.
- 5.The Inspector of Police, L&O,R3 Ashok nagar Police Station,
Chennai-83.
- 6.The Assistant Commissioner of Police,
Central Crime Branch, Anti Land Grabbing cell,Chennai.

7. The Public Prosecutor,
High Court, Madras - 104.

+1 cc to M/s.P.R.Raman,advocate,sr.49264

+1 cc to M/s.G.Krishnakumar,advocate,sr.49236

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krd 23/9

Cr1.OP Nos.23698 & 23710 of 2015



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