

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

W.P.No.22243 of 2016
and W.M.P.No.18978 of 2016

Dr.C.Kalaichelvi

... Petitioner

Vs

1.The Commissioner of Police
Chennai City Police
E.V.K.Sampath
Vepery, Chennai 600 007.

2.The Deputy Commissioner of Police
Anna Nagar Division
Anna Nagar, Chennai 40.

3.The Assistant Commissioner of Police
Anna Nagar Range
Anna Nagar, Chennai 40.

4.The Inspector of Police
K-4 Police Station
Anna Nagar, Chennai-40.

5.Dr.Arunmozhi

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus forbearing the respondents 2 to 4 from conducting any mediation and Kangaroo Court upon the complaint of the 5th respondent against the petitioner in respect of the petitioner's property, being the ground premises, situated at I Block, No.8, New No.29, 2nd Main Road, I Floor, Anna Nagar East, Chennai 600 102.

For Petitioner Mr.N.Ramesh

For R1 to R4 Mr.D.Raja
Additional Government Pleader

For R5 Mr.A.Raghunathan
Senior Counsel
for Mr.K.Selvakumaraswamy

ORDER

This petition has been filed seeking a writ of mandamus forbearing the respondents 2 to 4 from conducting any mediation and Kangaroo Court upon the complaint of the 5th respondent against the petitioner in respect of the petitioner's property, being the ground premises, situated at I Block, No.8, New No.29, 2nd Main Road, I Floor, Anna Nagar East, Chennai 600 102.

2. When the matter was taken up for hearing, Mr.N.Ramesh, learned counsel submitted that he has given change of Vakalat.

3. It may be necessary to state here that on the complaint lodged by Dr.Arunmozhi, the fifth respondent, a regular case in Cr.No.511 of 2016 has been registered by the Inspector of Police, Anna Nagar Police Station on 15.06.2016 under Sections 448 and 506(i) IPC against Dr.C.Kalaiselvi [A1], the petitioner herein and two others. The allegation in the FIR is that the property in question, viz., Door No.8/29, First Block, II Main Road, Anna Nagar East, Chennai, originally belonged to one Dr.Thirugnanasambandam, who settled the property in favour of his daughter Dr.Arunmozhi [5th respondent] on 28.06.2010; the fifth respondent was living in the property with her family and that on 26.05.2016, Dr.C.Kalaiselvi and two others attempted to take illegal possession of the property by breaking open the rear door and when it was questioned by the fifth respondent, she was threatened of dire consequences. Challenging the FIR in Cr.No.511 of 2016, two quash applications, viz., CrI.O.P.Nos.14166 of 2016 and 17198 of 2017 were filed and this Court has passed detailed orders in those petitions today (16.07.2018). In this writ petition, it is alleged by Dr.C.Kalaiselvi, that the police are conducting Kangaroo Court in the Police Station and are acting in aid of the fifth respondent.

4. Mr.D.Raja, learned Additional Government Pleader, submitted that on the complaint given by Dr.C.Kalaiselvi, a petition enquiry was conducted in CSR No.377 of 2016 and during enquiry, it was found that there were prima facie materials in the complaint given by Dr.Arunmozhi against the petitioner, pursuant to which, a regular FIR has been registered against the latter, as stated above. In such view of the matter, the relief as prayed for by the petitioner in this writ petition cannot be granted.

In the result, this petition stands dismissed. No costs.
Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

gms
To

1.The Commissioner of Police,
Chennai City Police,
E.V.K.Sampath,
Vepery, Chennai 600 007.

2.The Deputy Commissioner of Police,
Anna Nagar Division,
Anna Nagar, Chennai 40.

3.The Assistant Commissioner of Police,
Anna Nagar Range,
Anna Nagar, Chennai 40.

4.The Inspector of Police,
K-4 Police Station,
Anna Nagar, Chennai-40.

+1cc to the Government Pleader Sr.47042
+1cc to Mr.K.Selvakumaraswamy, Advocate Sr.46766

W.P.No.22243 of 2016

kj[co]
srg 3/8/2018

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