

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.Nos.19151, 19152 and 19153 of 2018

P.Kanagavalli

.. Petitioner
in all Crl.OPs

Vs

1.State rep. by
The Commissioner of Police,
Greater Chennai,
EVK Sampath Road,
Vepery, Chennai-07.

2.The Deputy Commissioner of Police,
T.Nagar Range,
Chennai-17.

3.The Assistant Commissioner of Police,
Valasaravakkam Police Station,
Chennai-89.

4.Inspector of Police,
Valasaravakkam Police Station,
Chennai-89.

5.Inspector of Police,
Madhuravoyal Police Station,
Chennai-95.

.. Respondents in all Crl.OPs

6.A.Sasikumar

.. R6 in Crl.OP.19152/2018

CRL.O.P.No.19151 of 2018 filed under Section 482 Cr.P.C.,
praying to direct the 4th respondent herein to register
petitioner's complaint and investigate the case on the basis of
petitioner's complaint dated 23.07.2018.

CRL.O.P.No.19152 of 2018 filed under Section 482 Cr.P.C.,
praying to direct the respondents 1 to 5 herein to provide
adequate police protection to the petitioner and the demised
property situated at No.74/209, Arcot Road, Karambakkam, Porur,
Chennai-116 to conduct the functions of the customers on
02.08.2018, 06.08.2018, 08.08.2018, 17.08.2018, 23.08.2018,

24.08.2018, 30.08.2018, 31.08.2018, 02.09.2018, 06.09.2018,
10.09.2018, 12.09.2018, 17.09.2018.

CRL.O.P.No.19153 of 2018 filed under Section 482 Cr.P.C.,
praying to transfer the investigation of complaint dated
23.07.2018 on the file of the 3rd respondent herein and entrust
the same to any other responsible Police Officer to investigate
the complaint dated 23.07.2018 in a free and fair manner under
the supervision of 1st and 2nd respondents, herein.

For Petitioner : Mr.R.Shanmuga Sundaram, Sr.Counsel
in all Crl.OPs for Mr.A.Gopinath

For R1 to R5 : Mr.C.Raghavan, Govt. Advocate
in all Crl.OPs

For R6 in : Mr.R.Ganesh Kumar
Crl.OP.19152/18

C O M M O N O R D E R

Karunakaran is the owner of the property bearing door
No.74/209, Arcot Road, which was given on lease to Sasikumar, in
the year 2013 for running a restaurant by name Kattumaram.
While so, it is the case of Karunakaran that after the
determination of the lease, Sasikumar handed over possession of
the leased property back to Karunakaran on 01.10.2017 and left
the place locked stock and barrel. Thereafter, Karunakaran paid
the electricity charges for the said property and other dues.
It is further contended that the property was leased out to
Kanagavalli by a Lease Deed dated 27.06.2018. While so, it is
alleged that Sasikumar is once again trying to take forcible
possession of the property and therefore, Kanagavalli is before
this Court with the above petitions claiming aforesaid reliefs.

2.Heard Mr.Shanmugasundaram, learned Senior Counsel
appearing for Kanagavalli, learned Government Advocate and
Mr.Ganesh Kumar, learned counsel appearing for Sasikumar.

3.Mr.Shanmugasundaram submitted that there are overwhelming
materials to show that Sasikumar had handed over possession to
Karunakaran, pursuant to which, Karunakaran had applied for
telephone connections etc. and has leased out the property to
Kanagavalli for running a Party Hall. He also submitted that
Kanagavalli has filed a suit in O.S.No.374 of 2018 against
Sasikumar before the Sub Court, Poonamallee and has obtained an
order of interim injunction. He also further submitted that
Sasikumar has filed a suit in O.S.No.299 of 2018 before the
District Munsif Court, Poonamallee against Karunakaran and has
obtained an order of interim injunction. Under such

circumstances, learned Senior Counsel prayed for Police protection on the ground that Sasikumar is attempting to repossess the property, especially when the Party Hall has been booked for various marriage events.

4.Per contra, Mr.Ganesh Kumar submitted that Sasikumar had never vacated and handed over the possession of the property, but had built the third floor of the property with his own funds with the permission of Karunakaran and that, he had not vacated the property. It is Sasikumar's contention that Karunakaran is attempting forcibly to dispossess him from the property.

5.Mr.Ganesh Kumar submitted that after Sasikumar had obtained an order of interim injunction in O.S.No.299 of 2018 against Karunakaran, Karunakaran has fabricated a Lease Deed dated 27.06.2018, as if he has leased out the property to Kanagavalli, who is none other than his mother. In other words, it is submitted that the Lease Deed dated 27.06.2018 has been created only to thwart the order of injunction in O.S.No.299 of 2018. This is strongly refuted by Mr.Shanmugasundaram, learned Senior Counsel.

6.On a conspectus of the facts obtaining in this case, it is seen that both parties have approached the civil Court and have obtained orders of interim injunction in their favour. Therefore, this Court, in exercise of powers under Section 482 Cr.P.C., cannot go into disputed questions of fact and cannot give any finding either in favour of Kanagavalli or Sasikumar. Police protection can also be sought for enforcement of the injunction order before the civil Court, in the light of the Division Bench of this Court in Sri La Sri Siva Subramanyananda Swamy Vs Sri La Sri Arunachalaswamy [1993[1] MLJ 274]. Under such circumstances, all these petitions are closed with liberty to the petitioner to approach the appropriate forum. However, the Deputy Commissioner of Police, T.Nagar District shall ensure to maintain law and order in that area and take action in accordance with law.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1.The Commissioner of Police,
Greater Chennai,
EVK Sampath Road,
Vepery, Chennai-17.

2.The Deputy Commissioner of Police,
T.Nagar Range,
Chennai-17.

3.The Assistant Commissioner of Police,
Valasaravakkam Police Station,
Chennai-89.

4.Inspector of Police,
Valasaravakkam Police Station,
Chennai-89.

5.Inspector of Police,
Madhuravoyal Police Station,
Chennai-95.

6.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Ganesh kumar, Advocate sr.no.52357
+7cc to Mr.A.Gopinath, Advocate sr.no.52191
+3cc to Mr.A.Gopinath, Advocate sr.no.52144

CRL.O.P.Nos.19151, 19152
AND 19153 of 2018

gp(co)
nr 01/08/2018

सत्यमेव जयते

WEB COPY