

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

W.P.Nos.23017 & 21503 of 2013

and

CrI.O.P.Nos.22739/2013 & 26592 of 2017

W.P.No.23017 of 2013:

K.Prem Anand

... Petitioner

Vs

- 1.The Director General of Police,
DGP Office, Chennai.
- 2.The Commissioner of Police,
Commissioner Office,
Egmore, Chennai-600 008.
- 3.The Additional Commissioner of Police(South),
Commissioner Office,
Egmore, Chennai-600 008.
- 4.Ferozkhan Abdhulla,
The Deputy Commissioner of Police,
Deputy Commissioner Office,
Adyar, Chennai-600 020.
- 5.Mohan Raj,
Assistant Commissioner of Police,
Assistant Commissioner Office,
Adyar, Chennai-600 020.
- 6.Raju Prince Arun,
The Inspector of Police(L&O),
J-2, Adayar Police Station,
Chennai-600 020.
- 7.G.Dinesh Kumar,
The Sub Inspector of Police,
J-2, Adayar Police Station, Chennai-600 020.

8.P.R.Senthilkumar

... Respondents

Managing director of m/s.VST projects private Limited

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, for bearing the respondents 4 to 8 from indulging in various acts of harassment, threat, intimidation and taking any coercive action against the petitioner.

For Petitioner : Mr.S.Shyam Kumar
For R-1 to R-7 : Mr.K.Prabakar, APP
For R-8 : Mr.P.Wilson,
Senior Counsel
For M/s.RRN Legal

CrI.O.P.No.22739 of 2013:

Rama Vasudevan ... Petitioner

Vs

The Commissioner of Police,
Chennai City,
O/o.Commissioner of Police,
Egmore, Chennai. ... Respondent

Prayer:- Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondent herein to take appropriate action on the complaint given by the petitioner dated 17.08.2013 in accordance with law.

For Petitioner : Mr.N.Senthil Kumar
For Mr.M.Gnanasekar
For Respondent : Mr.K.Prabakar, APP

CrI.O.P.No.26592 of 2017:

K.Prem Anand ... Petitioner

Vs

1.The State of Tamil Nadu
rep. By the Sub Inspector of Police,
J-2, Adyar Police Station,
Adyar, Chennai-600 020.

2.P.R.Senthil Kumar ... Respondent
Managing director of m/s.VST projects private Limited,
Adyar, Chennai-600 020.

Prayer:- Criminal Original Petition filed under Section 482 of Cr.P.C., to stay all further proceedings pertaining to the FIR in Crime No.1081 of 2013, dated 05.07.2013 on the file of the 1st respondent pending disposal of the above criminal original petition and to quash the FIR in Crime No.1081 of 2013, dated 05.07.2013 on the file of the 1st respondent as far as the petitioner is concerned.

For Petitioner : Mr.S.Shyamkumar
For R-1 : Mr.K.Prabakar, APP
For R-2 : Mr.P.Wilson, Senior Counsel
For M/s.RRN Legal

W.P.No.21503 of 2013:

Rama Vasudevan Petitioner

Vs

- 1.The Commissioner of Police,
Commissioner Office,
Egmore, Chennai-600 008.
- 2.The Additional Commissioner of Police(South),
Commissioner Office,
Egmore, Chennai-600 008.
- 3.Ferozkhan Abdhulla,
The Deputy Commissioner of Police,
Deputy Commissioner Office,
Adyar, Chennai-600 020.
- 4.Mohan Raj,
Assistant Commissioner of Police,
Assistant Commissioner Office,
Adyar, Chennai-600 020.
- 5.Raju Prince Arun,
The Inspector of Police(L&O),
J-2, Adayar Police Station,
Chennai-600 020.
- 6.G.Dinesh Kumar,
The Sub Inspector of Police,
J-2, Adayar Police Station,
Chennai-600 020.
- 7.P.R.Senthilkumar
Managing director of m/s.VST projects private Limited
Adyar, Chennai-600 020

8.K.V.Babu, Advocate,
Old.No.16, New No.2/1, 2nd Street,
Bakthavatsalam Nagar,
Adyar, Chennai-600 020.

9.The Director,
Central Bureau of Investigation,
Sastri Bhavan, Chennai-600 006.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 9th respondent to investigate the entire matter including the acts of land grabbers of the petitioners property by the respondent s7 and 8 and the role played by the respondent 3 to 5 who are state police officers and to file report to this Court and to take suitable action against respondents 3 to 6 for the misuse and abuse of their powers under the Police Act for interfering with the petitioner right to stay and live in her own house.

For Petitioner : Mr.N.Senthilkumar
for Mr.M.Gnanasekar

For R-1 to R-6 : Mr.K.Prabakar, APP

For R-7 : Mr.P.Wilson, Senior Counsel
For M/s.RRN Legal

For R-9 : Mr.K.Srinivasan, Spl.P.P.(CBI)

COMMON ORDER

All these litigations arise out of the dispute regarding the possession with regard to the portion of the property being the premises located at First Floor, bearing Old No.3, New No.7, 3rd Main Road, Nehru Nagar, Adyar, Chennai-20.

2.Mr.P.Wilson, learned Senior Counsel for M/s.RRN Legal appearing for the 7th respondent would submit that several other litigations were pending between the parties and the same has culminated into C.R.P.No.1998 of 2013, and would submit that the 7th respondent Mr.P.R.Senthil Kumar, had filed an affidavit of undertaking before the other Bench of this Court, agreeing to vacate the said premises on or before 30.09.2019. He would submit that in view of undertaking given before the other Bench, agreeing to vacate the said premises on or before 30.09.2019, a quietus can be given to all the petitions in order to avoid further multiplicity of litigations and proceedings and to say that all the pending issues between the parties can be closed.

3.Mr.K.Prabakar, learned Additional Public Prosecutor appearing for the State would submit that based on the directions of this Court dated 14.03.2014 in Crl.O.P.No.22739 of 2013 and vide order dated 14.02.2019 passed by this Court the Commissioner of police had ordered for an enquiry, based on which, a status report dated 06.06.2019 has been filed by the Assistant Commissioner of Police, Adyar Range. He would refer to para 6 of the status report and would submit that after the enquiry the police had filed a report concluding that the defacto complainant P.R.Senthil Kumar, was not injured as stated by him. The learned Additional Public Prosecutor would submit that the police had conducted the enquiry in a fair manner and have rightly come to a conclusion. However due to the interim order passed by this Court dated 02.08.2013 in W.P.No.21503 of 2013, they are unable to proceed any further in this matter. Now, if closure is given to all these petitions, the respondent will be filing in the final report in Crime No.1081/2013.

4.At this juncture, Mr.N.Senthilkumar, learned counsel appearing for the petitioners in Crl.OP.Nos.22739 & 26592/2013 would submit that Crl.OP.No.26592/2013 had been filed by Mr.K.Prem Anand to quash the FIR in Crime No.1081/2013 registered by J2 Adyar Police Station based on the complaint of Thiru P.R.Senthil Kumar, dated 04.07.2013. He would submit that the findings and conclusions at paragraph 6 of the status report is clear that the defacto complainant Thiru P.R.Senthilkumar was not injured as projected by him and thereby would submit that no useful purpose would be served by keeping the case in Crime No.1081/2013 pending. He would further submit that because of he pendency of the FIR, an innocent Advocate had been put to hardship and in view of the finding by the police that Mr.P.R.Senthilkumar has not been injured, the FIR in Crime No.1081/2013 pending on the file of J2 Adyar Police Station, be quashed.

5.In view of the finding at para 6 of the status report filed by the Assistant Commissioner, Adyar Range dated 06.06.2019, this Court is of the opinion that no useful purpose would be served by keeping the further proceedings in Crime No.1081/2013 pending.

6.The learned Senior Counsel representing Mr.P.R.Senthil Kumar, would submit that in view of giving quietus to all issues, Mr.P.R.Senthil Kumar has no objection to quash the Cr.No.1081 of 2013 which is pending on the file of the J-2, Adyar Police station Adyar, Chennai.

7.Recording the same, Crl.O.P.No.26592 of 2017 is allowed and all further proceedings in Cr.No.1081 of 2013 pending investigation on the file of J2 Adyar Police Station, stands quashed.

8.Further, recording the submission of the Mr.P.Wilson, learned Senior Counsel, Mr.N.Senthilkumar, and the learned Additional Public Prosecutor, the other cases in W.P.No.23017 of 2013 and Crl.O.P.No.22739 of 2013 and W.P.No.21503 of 2013 stands closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To:

- 1.The Director General of Police,
DGP Office, Chennai.
- 2.The Commissioner of Police,
Commissioner Office, Egmore, Chennai-600 008.
- 3.The Additional Commissioner of Police(South),
Commissioner Office, Egmore, Chennai-600 008.
- 4.Ferozkhan Abdhulla,
The Deputy Commissioner of Police,
Deputy Commissioner of Police, Adyar,
Chennai-600 020.
- 5.Mohan Raj,
Assistant Commissioner of Police,
Assistant Commissioner Office, Adyar,
Chennai-600 020.
- 6.Raju Prince Arun,
The Inspector of Police(L&O),
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- 7.G.Dinesh Kumar,
The Sub Inspector of Police,
J-2, Adayar Police Station,
Chennai-600 020.

8.The Sub Inspector of Police,
J-2, Adyar Police Station,
Adyar, Chennai-600 020.

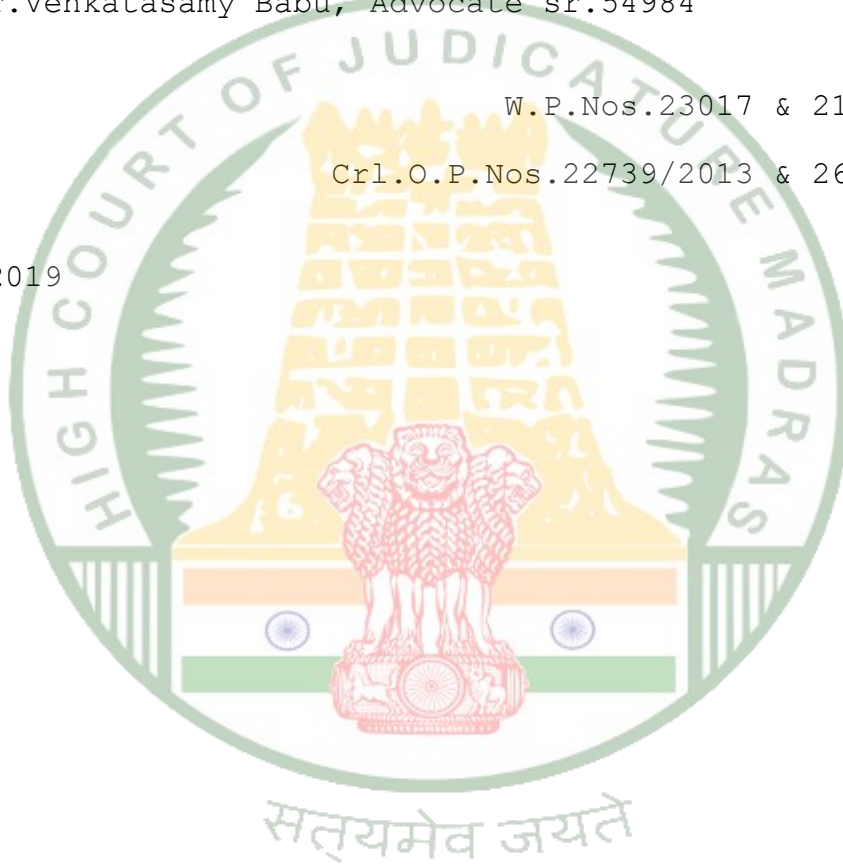
9.The Director,
Central Bureau of Investigation,
Sastri Bhavan,
Chennai-600 006.

10.The Public Prosecutor
High Court, Madras.

+5cc to Mr.Venkatasamy Babu, Advocate sr.54984

W.P.Nos.23017 & 21503 of 2013
and
Crl.O.P.Nos.22739/2013 & 26592 of 2017

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