



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE M. NIRMAL KUMAR

W.P.No. 7882 of 2021

Sasi Kumar

...Petitioner

Vs

1. The Commissioner of Police,
Office of the Commissioner of Police,
Greater Chennai Police,
Vepery, Chennai - 600 007.

2. The State, Represented by
The Inspector of Police,
K2 Ayanavaram Police Station,
Ayanavaram, Chennai-600 023.

3. K.Saravana Kumar

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, directing the 2nd respondent to provide adequate police protection to the petitioner and his family members based on his online complaint Ref.No.MUS20011695 dated 01.02.2020.

For Petitioner : Mr.S.Suresh
For Respondents : Mr.A. Damodharan
Counsel for Govt. of Tamil Nadu
(Criminal Side)

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus to direct the 2nd respondent police to provide adequate police protection to the petitioner and his family members, based on his online complaint in Ref.No.MUS20011695, dated 01.02.2020.

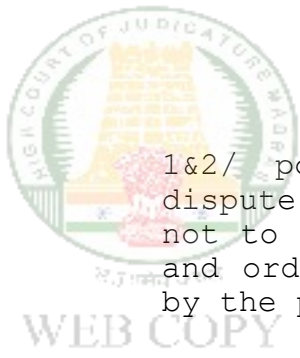
2. The deceased mother of the petitioner had given several complaints against his elder brother Saravana Kumar and younger brother Babu Kumar in respect of family dispute to divide their shares. After a long gap of months, the petitioner lodged online complaint dated 01.02.2020. But, no action had been taken against them.



3. During the life time of the petitioner's mother, the share of the family properties were divided and they were given respective portions. The petitioner herein has also taken care of his mother, and the 2nd respondent police and petitioner's younger brother Babu Kumar had threatened his mother and collected the rental incomes from the family properties and the elder brother Saravana Kumar and his wife named Devi cheated petitioner's mother and took away 11-1/2 sovereigns of gold jewels and cylinder from the house of his mother. When the petitioner's mother requested for returning the said articles, they assaulted his mother. Hence, the petitioner and deceased mother had lodged complaint and upon receiving the said complaint, the respondent police issued CSR No.73 of 2019, but no steps had been taken in this regard. After the death of the petitioner's mother, now the said Saravana Kumar and his wife Devi have occupied his mother's Kitchen Room and Bed Room, where valuable items, including Gas Cylinder, Cash and Jewels etc., are available. On 15.09.2019, his elder brother tried to do painting works in the vacant portion of the deceased mother's room. When the petitioner objected for the same, his elder brother Saravana Kumar along with his wife and their henchmen, assaulted him and hence, the petitioner sustained injuries and thereafter, the petitioner lodged the said complaint before the 1st respondent police on 15.09.2019. Based on his complaint, the 1st respondent police issued CSR No.293 of 2019 to him. Despite issuance of CSR receipt, the petitioner's brothers were not even called for an enquiry and the complaint is kept pending.

4. The learned counsel for the petitioner submitted that the petitioner's mother's portion is partitioned and the brothers have got their share and enjoyed the same. The petitioner had been threatened and physical assault was also made on them. The petitioner made several representations to the respondents 1&2 police, but the officials of the respondents 1&2/police concerned have not taken any steps in this regard.

5. Mr.A. Damodharan, learned counsel for the Government of Tamil Nadu/State (Criminal Side) appearing for the respondents 1&2 submitted that there was some dispute in the family of the petitioner. The petitioner's mother died on 17.12.2018. Now, the other brothers, namely Saravana Kumar and Babu Kumar are demanding their share in the mother's room, where the mother was living. It is purely a family dispute. He further submitted that both the petitioner and his brothers namely Saravanakumar and Babukumar would be called for enquiry and they will be advised. He further submitted that the dispute between the family members, more particularly, the dispute between the petitioner and his brothers would be settled. The respondents



1&2/ police will make sincere attempt to resolve the said dispute between the family members by giving strict warning and not to disturb each other peaceful life and also to maintain law and order and harmony. Based on the above said complaints made by the parties enquiry to be conducted and disposed.

6. Recording the submissions of the learned Government Counsel, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

msm

To

1. The Commissioner of Police,
Office of the Commissioner of Police,
Greater Chennai Police,
Vepery, Chennai - 600 007.
2. The Inspector of Police,
K2 Ayanavaram Police Station,
Ayanavaram, Chennai-600 023.
3. The Public Prosecutor,
High Court, Madras.

W.P.No. 7882 of 2021

PCH (CO)
LS (06/08/2021)