

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Cr1.OP. No.6106 of 2021

J.Gayathri .. Petitioner/Defacto Complainant
.vs.

1.The Commissioner of Police,
Vepery,
Chennai.

2.The Inspector of Police,
Virugambakkam Police Station,
Chennai. ...Respondents/Complainants

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the respondents to break open the petitioner's flat on petitioner complaint dated 10.03.2021 in CSR No.153 dated 13.03.2021.

For Petitioner : Mr.P.Kumaresan

For Respondents: Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor takes notice for the respondents.

2.This criminal original petition has been filed for a direction to the respondent police to act upon the complaint given by the petitioner on 10.03.2021, which has been taken on file in CSR No.153 of 2021.

3.The petitioner is the owner of the subject property which is a Flat situated at Virugambakkam, Chennai. It is stated in the petition that certain persons who are unconnected with the petitioner started offering financial help to the petitioner after ascertaining her financial status. According to the petitioner, these persons had an ulterior motive and they started harassing and abusing the petitioner. It is also stated that they wanted the petitioner to go and meet the local politician. The petitioner fearing consequences locked the Flat and she along with her mother took on lease a house nearby.

4.It is alleged that the accused persons on coming to know that the petitioner is not residing in the Flat, proceeded to enter the premises and they have put their lock and thereby the petitioner has been prevented from entering the Flat.

5.The allegation made by the petitioner is clearly borne out by the CCTV Footages available at page nos.10 and 11 of the typed set of papers. The petitioner gave a complaint in this regard to the 2nd respondent on 10.03.2021 and the same was taken on file in CSR No.153 of 2021.

6.The petitioner has approached this Court seeking for a direction to the respondent police to help the petitioner in breaking open the lock and to take possession of her Flat.

7.Heard Mr.P.Kumaresan, learned counsel for the petitioner and Mr.M.Mohammed Riyaz, learned counsel appearing on behalf of the respondents.

8.In the considered view of this Court, even if there are financial transactions between the parties, that does not mean that persons can get into a property and lock the property and take illegal possession of the same. If such activities are allowed, it will be a direct threat to the rule of law and these actions should be nipped in the bud. If any one is aggrieved that the amount that was given as loan has not been repaid, they can only workout their remedy in the manner known to law and they cannot take law into their own hands.

9.In view of the above, this Court has absolutely no hesitation to direct the respondent police to give protection to the petitioner to enable the petitioner to break open the lock and take possession of the Flat. If the accused persons once again involve themselves in such illegal acts, the 2nd respondent shall take immediate action in accordance with law. If the accused persons have any claim against the petitioner, they should workout their remedy only before the appropriate Court and they can never be permitted to take law into their own hands.

10.This Criminal Original Petition is disposed of with the above directions.

Sd/-

Assistant Registrar (CS-VI)

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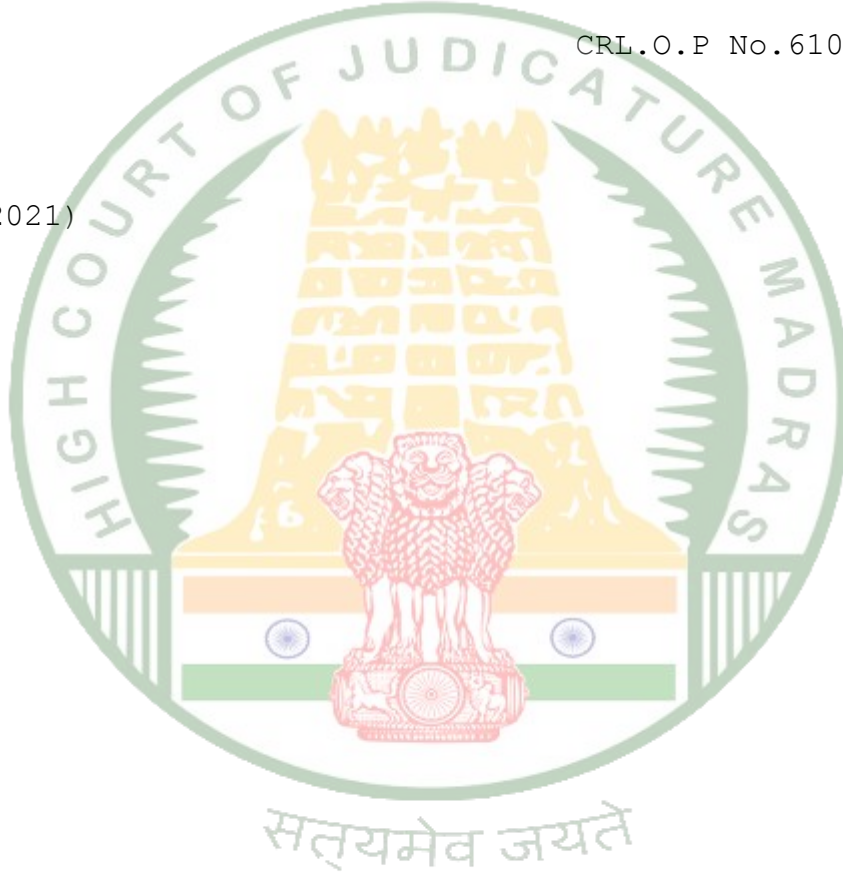
Sub Assistant Registrar

To

- 1.The Commissioner of Police,
Vepery,
Chennai.
- 2.The Inspector of Police,
Virugambakkam Police Station,
Chennai.
3. The Public Prosecutor,
High Court, Madras.

CRL.O.P No.6106 of 2021

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