

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 09.06.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN
W.P.No. 11085 of 2021

R.Sree Kannakumar

...Petitioner

Vs.

1. The Commissioner of Police,
132, E.V.K. Sampath Road,
Veppery,
Chennai-600 007.

2. The Inspector of Police,
W-32, All Women Police Station,
Madipakkam,
Chennai- 600 081.

3. T.K.Jaya Shoba

...Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India to issue Writ of Mandamus directing the respondents 1 and 2 to restore the original sale deeds namely 31.08.2006 (Doc.No.4283/2006), 30.01.2009 (420/2009), 30.03.2012 (Doc.No.1197/2012) and 25.09.2013 (Doc.No.2301/2013) to the petitioner which were illegally snatched away by the 2nd respondent and handed over to the 3rd respondent on 05.03.2015 under the disguise of investigation in CSR 91/W32/AWPS/15, for want of authority/source of power under Cr.P.C. by considering his representation dated 17.03.2021.

For Petitioner : Mr.N.Manokaran

For Respondents: Mr.A.Damodaran (R1 & R2)
Government Advocate (Crl.side)

ORDER

This Writ Petition has been filed to direct the the respondents 1 and 2 to restore the original sale deeds namely 31.08.2006 (Doc.No.4283/2006), 30.01.2009 (420/2009), 30.03.2012 (Doc.No.1197/2012) and 25.09.2013 (Doc.No.2301/2013) to the petitioner which were illegally snatched away by the 2nd respondent and handed over to the 3rd respondent on 05.03.2015 under the disguise of investigation in CSR 91/W32/AWPS/15, for want of authority/source of power under Cr.P.C. by considering his representation dated 17.03.2021.

2. Heard learned counsel appearing for the petitioner and the learned Government Advocate (Crl.side) appearing for the respondents 1 and 2.

3. The petitioner is the husband and the third respondent is the wife. There are family disputes between them. In this regard, the third respondent lodged a complaint before the second respondent alleging that the properties were produced by him in the name of her husband viz., the petitioner herein. After purchasing the property, the petitioner demanded huge dowry and harassed her by all means including threatening with deadly weapons and for a number of times he threatened her that he would kill her and also her child. On the complaint lodged by the petitioner, the second respondent conducted enquiry on 05.03.2015 and the petitioner herein handed over the original documents which stands in his name purchased by his wife viz., the third respondent along with jewels. He also undertook to return the remaining jewels pledged by him within a period of two months. After a period of four years viz., on 18.11.2019, the petitioner issued legal notice to the third respondent calling upon her to dissolve the marriage which was solemnized on 31.01.2005. Again the petitioner lodged a complaint on 25.01.2020 before the second respondent alleging that the third respondent lodged false complaint against the petitioner and threatened him with dire consequences. Even in the said complaint, the petitioner never whispered about the present allegation viz., the second respondent illegally snatched away the original sale deeds which stood in the name of the petitioner, under the guise of investigation in C.S.R.No.91/2015 and handed over to the third respondent herein.

4. While being so, on 17.03.2021 the petitioner lodged a complaint before the first respondent alleging that the second respondent snatched the original documents, in respect of the property purchased in his name and take proper action against the second respondent and also other allegations as against the third respondent. The complaint sent by the petitioner through registered post on 17.03.2021 and immediately filed this Writ petition on 15.04.2021. Now the third respondent also initiated proceedings for divorce against the petitioner herein. Therefore this Court finds no merit in this petition and the same is liable to be dismissed.

5. Accordingly, this Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar(CS VIII)

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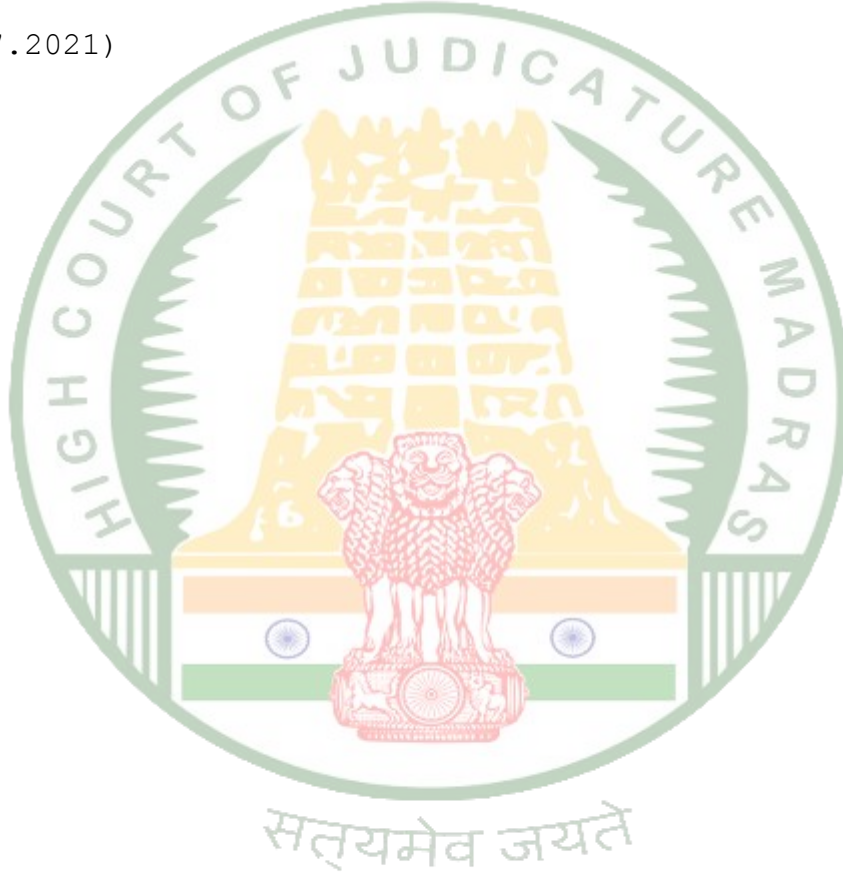
Sub Assistant Registrar

To

1. The Commissioner of Police,
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Chennai-600 007.
2. The Inspector of Police,
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ssv (CO)
A.SK(08.07.2021)



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