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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.12657 of 2021

M.Thulukanam

... Petitioner

Versus

1.The Superintendent of Police,
S.P-office, Chengalpet.

2.The Inspector of Police,
E-9, Thazhambur Police Station,
Chennai.

3.M.Ramalingam

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to pass a direction to the second Respondent police not to harass the petitioner in the complaint dated 23.3.2021 on the file of the second respondent, E-9, Thazhambur Police Station, Kelambakkam, Chengalpet District.

For Petitioner : Mr.B.Gurumurthy

For R1 & R2 : Mr.A.Damodaran,
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to direct the 2nd respondent Police not to harass the petitioner on the complaint of the 3rd respondent dated 23.03.2021.

2.The learned counsel for the petitioner submitted that on the complaint given by the 3rd respondent, 2nd respondent threatening the petitioner under the guise of enquiry, though he is willing to settle the property to the siblings. The learned counsel for the petitioner admits that the petitioner is holding 34 cents of the family property.

3.The learned Government Advocate (Crl. Side) appearing for the respondents 1 and 2 submitted that in this case, one Manickam had seven children and the petitioner is the eldest person. The petitioner being the eldest one, squatting over the family property and not permitting the other siblings to enjoy same. Hence, the 3rd respondent, who is the younger



brother of the petitioner lodged the complaint. The petitioner called for enquiry, where he gave an undertaking that soon he will settle the property to the siblings, but he did not do so.

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4. Considering the rival submissions, it is seen that the petitioner is the elder son of Manickam, who had 34 cents of family property in Nallampakkam Village. The petitioner being the eldest person of seven siblings, squatting over the property and not allowing the others to enjoy the same. Hence, the 3rd respondent being the younger brother, lodged a complaint to the 2nd respondent Police. While being so, the petitioner cannot claim that he has been harassed on the complaint of the 3rd respondent. Since the dispute is aggravating, in all probability it might lead to physical assault. Hence, the petitioner and his brother were called to pacify them and to workout a solution for their family dispute.

5. In view of the above, this Court is not inclined to give Police protection to the petitioner and the Criminal Original Petition is liable to be dismissed and, is dismissed.

Sd/-

Assistant Registrar (CS-V)

//True copy//

Sub Assistant Registrar

vv2

To

1. The Superintendent of Police,
S.P-office, Chengalpet.
2. The Inspector of Police,
E-9, Thazhambur Police Station,
Chennai.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.A.Muruganandam, Advocate SR.No.35825

CRL.O.P.No.12657 of 2021

PMK (CO)
GMY (25/08/2021)