



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.12957 of 2021

Philip Vaseekaran

... Petitioner

Versus

1.State of Tamil Nadu rep.by its
The Inspector of Police
J-2, Adyar Police Station
Adyar, Chennai.

2.Paul Justin Vinodh Kumar Prabhu

3.Paul Austin Bharath Kumar

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the first respondent not to harass the petitioner, in the guise of enquiry, pursuant to the criminal complaint lodged by the respondents 2 & 3 herein, in Crime No. Not known of 2021, (not disclosed to the petitioner) on the file of the first respondent, the Inspector of Police, J-2, Adyar Police Station, Adyar, Chennai 600 020.

For Petitioner : Mr.Vimal B.Crimson

For Respondents : Mr.A.Damodharan, for R1
Government Advocate (Crl.Side)

: M/s.V.Kamala Kumar for R2 & R3

ORDER

This Criminal Original Petition has been filed to direct the first respondent not to harass the petitioner, under the guise of enquiry, pursuant to the criminal complaint lodged by the respondents 2 & 3 herein, in Crime No.Not known of 2021, (not disclosed to the petitioner) on the file of the first respondent, the Inspector of Police, J-2, Adyar Police Station, Adyar, Chennai 600 020.



2. It is the case of the petitioner that his brother Vasanthan Philip and his wife Pamela Irene Abigail died intestate on 23.05.2020 and 24.05.2021, respectively. After their death, the respondents 2 and 3, who are the brothers of the deceased Pamela Irene Abigail, created unwarranted ruckus demanding the Car key and the House key of his brother Vasanthan Philip. Hence, the keys of the Car and the portion in the ground floor used by deceased brother Vasanthan Philip at No.5, 9th Cross Street, Indira Nagar, Adyar, Chennai 600 020 were handed over to the respectable person of their family, viz., Mr.J.S.Raja Singh. Thereafter, the second respondent instead of filing Civil Suit, filed a criminal complaint before the first respondent police. Though the first respondent Police have no jurisdiction to enquire the subject matter, is harassing the petitioner unnecessarily under the guise of enquiry. Hence, the petitioner has filed a petition seeking not to harass the petitioner on the guise of enquiry, at the instance of the respondents 2 and 3.

3. M/s.V.Kamala Kumar, the learned counsel appearing for the respondents 2 and 3. According to him, the respondents 2 and 3 as per the Indian Succession Act, they in their capacity as legal heirs of the deceased Pamela Irene Abigali, apart from inheriting and succeeding entitled to inherit 50% share in the estate of Vasanthan Philip, which late Pamela Irene Abigali had derived title after her deceased husband. Hence, they have every right over the petitioner. Further, the petitioner has to file a succession suit and obtain property, instead he is not allowing the respondents 2 and 3 to enter into the property by force.

4. In reply, the learned counsel for the petitioner has submitted that there are other legal heirs, who are also claiming right over the property. The share of the property shall be decided before the Civil Court and not by the police and this Court.

5. The learned Government Advocate (Crl.Side) has submitted that in pursuant to the complaint given by the second respondent, CSR.No.291 of 2021 was assigned and the parties were called for enquiry. The petitioner as well as the respondents 2 and 3 appeared and they have been again called for enquiry. Both the parties fighting for the disputed property. The ground floor which is the property earlier occupied by Vasanthan Philip and his wife Pamela Irene Abigail. Vasanthan Philip passed away on 23.05.2021 and his wife Pamela Irene Abigail passed away on 24.05.2021. Now, the petitioner's brother Vasanthan Philip and the respondents 2 and 3, who are brothers of Pamela Irene Abigali, are claiming right over the property of deceased. Both of them wanted to enter into the property, which is objected.



6. Now, both the petitioner and the respondents 2 and 3, as per the advice of family elder Mr.J.S.Raja Singh, and after discussion, agreed to put the property under common lock and they also gave an undertaking that either of them will not forcibly enter into the property. Recording the same, the CSR was closed.

7. In view of the same, nothing survives further adjudication in this matter and hence, this Criminal Original Petition is dismissed. However, both the petitioner and the respondents 2 and 3 are advised not to enter into the property and create any disturbance. Otherwise, the first respondent will be forced to take necessary action as per law.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

dna

To

1.The Inspector of Police
J-2, Adyar Police Station
Adyar, Chennai.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.Rathina Asohan, Advocate, S.R.No.36738

CRL.O.P.No.12957 of 2021

KV(CO)
CB(18/08/2021)