



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.24515 of 2021

P.Venugopal

... Petitioner

Versus

1.The State rep. by
The Inspector of Police,
Kalpakkam Police Station,
Kanchipuram District.

2.The State rep. by
The Sub-Inspector of Police,
Koovathur Police Station,
Chengalpattu District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 1st respondent Police not to harass the petitioner.

For Petitioner : Mr.K.Govi Ganesan

For Respondents: Mr.R.Vinothraja
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed to direct the 1st respondent Police not to harass the petitioner.

2. The grievance of the petitioner is that the petitioner is a 76 years old person who has serious health ailments and the 2nd respondent Police on the guise of enquiry are harassing the petitioner. Further forcing the petitioner to settle the property against the earlier family arrangement.



3. The learned Additional Public Prosecutor submitted that one Palani Chettiyar had 4 sons and 1 daughter namely viz., Venugopal, Thillai Natarajan, Krishnamurthy, Muthu Chettiyar and Saraswathi. The petitioner along with his brothers have partitioned the family property completely amongst themselves severing Saraswathi entirely from the family. Further, legal heirs certificate have been obtained deleting the name of the Saraswathi, who is the complainant. The said Saraswathi had produced legal heirs certificate from the Revenue Authorities from which, it is seen that wantonly and purposely, the petitioner along with 3 of his brothers have suppressed the fact of sister, who have equal right as that of the petitioner, over the property. On the complaint of the said Saraswathi, Thillai Natarajan, Krishnamurthy, Muthu Chettiyar and for the petitioner his son V.Dakshinamoorthy appeared before the respondent Police, gave an undertaking to settle the dispute with the said Saraswathi and thereafter, now terming the enquiry as harassment, have filed the present Criminal Original Petition with the aforesaid prayer. Further it is a family dispute and the alleged forged documents have been verified by the respondent Police. In this case, since it involves family members, the respondent Police are hesitating to immediately register the First Information Report. Considering the same, in the event of undertaking to be violated, the respondent Police would take appropriate action and proceed further.

4.Considering the submissions, it is seen that the said Saraswathi is none other than the petitioner's sister and she had been denied of her family property. Though there might be exchange of notice using forged legal heir certificate, making false representation to the Government Official and there by obtaining a forged certificate, partitioning the family property amongst male members is not proper. Accordingly, the respondent police to continue their enquiry and take appropriate action in the manner known to law.

5.With the above directions, this Criminal Original Petition is disposed of.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR



vr/mpl
To

1.The Inspector of Police,
Kalpakkam Police Station,
Kanchipuram District.

2.The Sub-Inspector of Police,
Koovathur Police Station,
Chengalpattu District.

3. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.K.Goviganesan, Advocate Sr.68087

CRL.O.P.No.24515 of 2021

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srg 04/01/2022