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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 06.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl. O.P. No.9850 of 2018

D.Vijayalakshmi

...Petitioner

Versus

1.The Commissioner of Police
Coimbatore City
Coimbatore - 641 018

2.The Assistant Commissioner of Police
Coimbatore West
R.S.Puram
Coimbatore - 641 002

3.The Inspector of Police
B3 Police Station
Variety Hall Road
Coimbatore - 641 001

4.Mr.R.Suresh Kumar
C/o.The Director General of Police
Mylapore, Chennai - 600 004

5.The Additional Deputy Commissioner of Police
Prohibition Enforcement Wing
Coimbatore City, Coimbatore - 641 018

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., to set aside the closure report filed by the 5th respondent dated 12.03.2018 as null and void and consequently direct any specialized agency viz C.B.I. or C.B.C.I.D. to investigate the complaint based on the actual facts narrated in the complaint dated 21.01.2018 to the manner known to law.

For Petitioner : D.Vijayalakshmi,
Party-in-person

For Respondent : Mr.R.Kishore Kumar,
Govt. Advocate (Crl. Side)



ORDER

This Criminal Original Petition is heard through Video-Conferencing, on account of the COVID-19 pandemic situation.

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2. This an application filed to set aside the Enquiry Report dated 12.03.2018, filed by the 5th respondent, as null and void and direct any specialised agency viz C.B.I. or C.B.C.I.D. to investigate the complaint based on the actual facts narrated in the complaint dated 21.01.2018.

3. The crux of the allegation in her complaint is that she was in possession of the property owned by her brother and collecting rent. However, after the demise of his brother, her sister-in-law and nephew, namely the son of his brother, with the help of officials, forcibly evicted her. Therefore, she sought action against the officials.

4. Her contention is that she was illegally evicted from the place and has sought an enquiry. Party in person submitted that the Enquiry Report filed by the 5th respondent is not proper and the same has to be set aside.

5. It is to be noted that the party in person has already filed W.P. No.20132 of 2015, to take action against the persons mentioned in the representation, for having illegally trespassed into the property on 24.03.2015 and 22.04.2015 located in old door No.31/105, new door No.288-291, M.N.G.Street, Gandhi park, Coimbatore-641001. This Court, by order dated 02.06.2016, after considering the entire submissions of party in person and other side, finally observed in para 7 as follows and ultimately, dismissed the Writ Petition.

"7. As far as the representation of the petitioner dated 24.03.2015 and 22.04.2015 are concerned, they relate to alleged unauthorised demolition of the property by the advocate commissioner in collusion with the local police. As mentioned above, in the report filed by the advocate commissioner, it was clearly stated that the vacant possession of the building has been handed over to Nagammal and Raghunathan in as is where is condition. While so, the allegation of the petitioner that the advocate commissioner and the local police have colluded together and demolished the property in question is unfounded. In fact, in the counter affidavit filed on behalf of the respondents 1 and 2, reference was made to closure of similar complaints made by the petitioner in the year 2012 and 2014 after obtaining a report from the learned Principal



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District Judge, Coimbatore. In the complaints sent by the petitioner during the year 2012 and 2014, she has made wild allegations against the Judicial Officer and the Advocate and eventually those allegations were found to be false and incorrect. These material particulars have been suppressed by the petitioner in this writ petition. While so, in the present writ petition, this Court is not inclined to direct the respondents to conduct an enquiry on the basis of the representations dated 24.03.2015 and 22.04.2015 of the petitioner. If such a direction is issued, it will only compel the respondents to do certain acts which they are not bound to do. In any event, this Court finds that the grievance put forth by the petitioner in the representations dated 24.03.2015 and 22.04.2015 have already been considered by the official respondents and she was also given a reply thereof. While so, once again, at the instance of the petitioner, this Court need not issue any direction to the official respondents.

6. Again, similar allegations were made in the petition filed by her before the Commissioner of Police, Coimbatore. The Commissioner of Police, after enquiry found that she has been evicted by due process of law and all her allegations were not correct and closed the matter. In such view of the matter, when the repeated allegations made in the complaint and her eviction is only by due process of law, the officials have closed the complaint. Same cannot be set aside.

7. As the writ petition filed was already disposed of and she was evicted in execution proceedings by due process of law, as recorded by the court, this court is of the view that the enquiry report filed by the 5th respondent, cannot be quashed. In such view of the matter, I do not find any merit in this petition.

8. Accordingly, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

psa/asr



To

1. The Commissioner of Police
Coimbatore City
Coimbatore - 641 018.

2. The Assistant Commissioner of Police
Coimbatore West
R.S.Puram
Coimbatore - 641 002.

3. The Inspector of Police
B3 Police Station
Variety Hall Road
Coimbatore - 641 001.

4. The Additional Deputy Commissioner of Police
Prohibition Enforcement Wing
Coimbatore City, Coimbatore - 641 018.

5. The Public Prosecutor,
High Court, Madras.

Cr1. O.P. No.9850 of 2018

NR (CO)
PR (25/01/2022)