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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 7.2.2022.

CORAM

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Writ Petition No.13503 of 2021

P.Naveen Kumar

Petitioner

vs.

1. The Commissioner of Police,
O/o. the Commissioner of Police,
Vepery, Chennai 600 007.
2. The Deputy Commissioner of Police,
Anti-Land Grabbing Special Cell,
Central Crime Branch,
O/o. the Commissioner of Police,
Chennai 600 007.
3. The Inspector of Police,
Team-16, Anti-Land Grabbing Special Cell,
Central Crime Branch,
Chennai 600 007.
4. P.Magesh
S/O R.Panchanathan No.8/1, Balu Street,
Thiruvanmiyur, Chennai 600-041.

(R4 suo motu impleaded vide order
dated 6.7.2021)

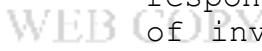
Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus to direct the respondent police not to harass the petitioner in the guise of investigation in pursuance of the complaint given by one P.Magesh pending on the file of the respondent police.

For Petitioner : Mr.S.Karthikeyan for
Mr.Ali Hassan Khan

For R1 to R3 : Mr.A.Gokulakrishnan, APP

For R4 : Mr.R.C.Paul Kanagaraaj



ORDER

The writ petition has been filed seeking for a direction to respondents 1 to 3 not to harass the petitioner under the guise of investigation pursuant to the complaint given by the fourth respondent, who is the blood brother of the petitioner.

2. The case of the petitioner is that the impleaded fourth respondent is his elder blood brother. Their father had left the properties and business and that after the death of their father, disputes arose between the petitioner and his brother, the fourth respondent in respect of managing the business and properties of their father. His further case is that his father-in-law is a former Cabinet Minister in the previous Government and that after change of Government, his brother, taking advantage of the scenario, has given a false complaint against him on 7.6.2021 alleging that the petitioner, alongwith his father-in-law, misusing their position and influence, had threatened him and grabbed the properties belonging to him. It is the further case of the petitioner that his brother, the fourth respondent, by giving a criminal colour to a civil dispute, had set up a false case and based on such a false complaint, respondents 1 to 3 are harassing and compelling the petitioner to enter into a settlement with his brother.

3. Mr.Gokulakrishnan, learned Additional Public Prosecutor would submit that the complaint of the fourth respondent dated 7.6.2021 to the Commissioner of Police has been taken up in C.No.17/Addl.COP/CCB/PG/21 and it has been forwarded for enquiry and other than issuing summons to the petitioner for enquiry, the respondents have not harassed the petitioner.

4. Mr.R.C.Paul Kanagaraj, learned counsel appearing for the fourth respondent would submit that the petitioner, who is the younger brother of the fourth respondent/de facto complainant, by misusing the influence of his father-in-law, who is a former Minister, had grabbed the properties of the fourth respondent and had threatened him.

5. Heard the learned counsel appearing for the parties.

6. Considering the fact that the dispute is between brothers, this court, earlier, by order dated 22.7.2021, had referred the matter to mediation, but, it is reported that the mediation has failed.

7. Taking into consideration the fact that it is a dispute between brothers and enquiry has been initiated, the respondent shall conduct enquiry in accordance with Section 41-A Cr.P.C.



and complete the enquiry within a period of three weeks. Accordingly, the Writ Petition stands disposed of.

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Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ssk.

To

1. The Commissioner of Police,
O/o. the Commissioner of Police,
Vepery, Chennai 600 007.
2. The Deputy Commissioner of Police,
Anti-Land Grabbing Special Cell,
Central Crime Branch,
O/o. the Commissioner of Police,
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S/O R.Panchanathan No.8/1, Balu Street,
Thiruvanmiyur, Chennai 600-041.

+lcc to Mr.Ali Hassan Khan, Advocate, S.R.No.7954

Writ Petition No.13503 of 2021

RR(CO)
SB(09/02/2022)