



WEB COPY



W.P.No.22209 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2022

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.22209 of 2021

Lakshmi Senthil Kumar

...

Petitioner

/vs/

1.The Commissioner of Police,
Greater Chennai Police,
No.132, Office Building,
EVK Sampath Road,
Vepery, Chennai 600 007.

2.The Inspector of Police,
CCB-I, EDF -1, Team - 2,
Office of the Commissioner of Police,
Greater Chennai Police,
No.132, EVK Sampath Road,
Vepery, Chennai 600 007.

3.The Inspector of Police,
K4, Anna Nagar Police Station,
Chennai 600 040.

...

Respondents

Prayer : This petition has been filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the respondent No.1 for holding inquiry and taking appropriate action against the respondent Nos.2 & 3 for falsely implicating the petitioner in the criminal cases in FIR No.124 of 2021 dated 21.04.2021, 6.00 p.m. at K4, Anna Nagar Police Station and re-



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registered as FIR No.145 of 2021 at CCB-1, EDF-1, Team-2, Office of the Commissioner of Police, Violating this Court's order in W.P.No.9836 of 2021 dated 21.04.2021 and by considering the representation dated 14.08.2021.

For Petitioner ... Mr.Thanu Madhan N.S

For Respondents ... Mr.A.Damodaran,
Addl. Public Prosecutor

ORDER

This Writ Petition has been filed to direct the respondent No.1 for holding inquiry and taking appropriate action against the respondent Nos.2 & 3 for falsely implicating the petitioner in the criminal case in FIR No.124 of 2021 dated 21.04.2021, 6.00 p.m. at K4, Anna Nagar Police Station and re-registered as FIR No.145 of 2021 at CCB-1, EDF-1, Team-2, Office of the Commissioner of Police, Violating this Court's order in W.P.No.9836 of 2021 dated 21.04.2021 and by considering the representation dated 14.08.2021.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3. The defacto complainant was a tenant under the husband of the



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petitioner herein.

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4. The learned counsel for the petitioner submitted that the respondent police are unnecessarily harassing the petitioner by interfering in her business activities and disturbing her lawful possession over the same; since the respondents failed to consider her repeated representation and illegally harassing her by interfering in the dispute between the landlord and tenant which is a civil dispute, the petitioner had filed this petition seeking a direction in this regard.

5. The petitioner's husband has also filed a writ petition in W.P.No.9836 of 2021 and in which, the following order has been passed on in paragraph No.5:

"5. This Writ Petition is disposed of with a direction to the respondents not to interfere with the landlord and tenant dispute and it is open for the parties to agitate their rights before the competent civil court. However, if any cognizable offence is made out against the petitioner, respondents shall register First Information Report and proceed in accordance with law. No costs."

6. By citing the above order, it is submitted by the learned counsel for



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the petitioner that the petitioner is being harassed without due enquiry on the complaint given by the erstwhile tenant; hence appropriate order should be passed in this petition.

7. In the order passed in W.P.No.9836 of 2021 itself, it has been made clear that if at all any cognizable offence is made out even though the dispute is between the landlord and tenant, the respondent police shall register First Information Report and proceed in accordance with law.

8. The learned Additional Public Prosecutor submitted that there are *prima facie* grounds to make out the criminal case against the petitioner and only in view of that, FIR has been registered in Crime No.124 of 2021 and later the matter has been transferred to CCB and got registered in FIR No.145 of 2021 and the investigation has also been completed. After the investigation was over, the charge sheet has also been filed.

9. The grievance of the petitioner is that without following the due process of law, the case has been registered, investigated and charge sheet has been filed and hence a direction should be given to the first respondent



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police to enquire about the alleged illegal action said to have been committed by the respondents 2 and 3.

10. However, the learned Additional Public Prosecutor submitted that there is no illegality committed by the second and third respondents and hence no action is required to be taken.

11. However, since the petitioner has given a representation dated 14.08.2021 in this regard, the first respondent shall consider the same and take appropriate action, if he finds out any deviance in the action done by the second and third respondents or close the representation.

12. With these observations, this Writ Petition is disposed. No costs.

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Index: Yes/No
Internet: Yes/No
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To



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R.N.MANJULA ,J.

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