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Crl.R.C.No.2046 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2023

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.2046 of 2023

K.Ravi

... Petitioner

Vs.

1.The Inspector of Police,
J-1, Saidapet Police Station,
Chennai – 600 015.

2.Vadivel

3.Kumar @ Kandakumar

... Respondents

PRAYER: Criminal Revision Case has been filed under Sections 397 and 401 of Cr.P.C, praying to set aside the order dated 11.09.2023 made in Crl.M.P.No.15308 of 2023 on the file of IX Metropolitan Magistrate Court, Saidapet, Chennai and allow the same.

For Petitioner

: Mr.D.Gopinathan

For Respondent-1

: Mr.A.Damodaran

Additional Public Prosecutor



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ORDER

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This petition has been filed seeking to set aside the order dated 11.09.2023 made in Crl.M.P.No.15308 of 2023 on the file of IX Metropolitan Magistrate Court, Saidapet, Chennai.

2.The petitioner has filed a petition under Section 156(3) Cr.P.C. before the Lower Court in Crl.M.P.No.15308 of 2023. The Lower Court by order dated 11.09.2023 dismissed the same, against which, the present revision.

3.The contention of the petitioner is that the petitioner, his wife and two children were living in their property which is an ancestral property and they are running a fancy store in the said property. The petitioner's brothers namely Vadivel and Kandakumar quarrelled with the petitioner for partition of the property after the death of their parents. The brothers kidnapped his mother and registered a sale deed in respect of one of the properties. The



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petitioner filed a civil suit before this Court in C.S.No.132 of 2013 and the same is pending. This being so, the petitioner's brothers Vadivel and Kandakumar are creating trouble. On 08.10.2021, when the petitioner was out of station and his wife was alone with the two children, they entered into the house in an inebriated condition and abused his wife using filthy language and tear her clothes and slapped her and threatened to kill her, for which a complaint has been lodged and CSR No.632 of 2021 assigned. Later due to the police inaction, his brothers got emboldened, thereafter they entered into the house of the petitioner, looted the land documents, property documents, parent title deeds from the petitioner. Due to which, the petitioner was unable to get electricity connection and other connections from the statutory authorities. Hence, the petitioner lodged a complaint and CSR No.658 of 2021 assigned but thereafter no action has been taken. Further, on 10.08.2023, when the petitioner and his wife were proceeded in a bike, his brothers stopped and abused them using filthy language and also attempted to



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assault the petitioner. Therefore the petitioner lodged a complaint and CSR

No.708 of 2023 assigned.

3.1.The respondent police were not acted upon on all the three complaints. Hence, the petitioner lodged a complaint before the Commissioner of Police on 18.08.2023 and thereafter one Babu Raj, Sub Inspector Police attached to the respondent police forced the petitioner to withdraw the complaint. Having no other option, he filed the above petition under Section 156(3) Cr.P.C. The Lower Court without considering these facts, on its own merits, finding that the dispute is between the brothers, and there is some discrepancy in the complaint of the petitioner and his wife and the complaint is primarily of civil flavour, dismissed the petition. Learned counsel submits that the petitioner has got videographs of his brothers entering into the house and taken away the documents. He submitted the same before the civil Court but he needs only police protection for the safety of his life and property.



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4.The learned Additional Public Prosecutor submits that it is purely a civil dispute. All the three CSR have been closed, advising the petitioner to approach the Civil Court to seek appropriate remedy. He fairly submitted that as and when any threat to the petitioner's life and property is made by his brothers, the police would immediately act as per law and give protection to the life and property of the petitioner's family, which they are duty bound to do.

5.Recoding the above submission, the Criminal Revision Case is dismissed. The petitioner is given liberty to file a private complaint, if he so advised.

01.12.2023

Index : Yes/No

Internet : Yes/No

Speaking order / Non-speaking order
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M.NIRMAL KUMAR, J.

rsi

To

- 1.The Inspector of Police,
J-1, Saidapet Police Station,
Chennai – 600 015.
- 2.The IX Metropolitan Magistrate Court,
Saidapet, Chennai.
- 3.The Public Prosecutor,
High Court, Madras.

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