



WEB COPY



W.P.No.5635 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2025

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.5635 of 2025

and

W.M.P.No.6225 of 2025

1. R.Savithri
2. K.Venkatesan

... Petitioners

Vs

1. The Commissioner of Police,
Greater Chennai Police,
Office of the Commissioner of Police,
Vepery, Chennai - 7.
2. Murali,
Assistant Commissioner of Police,
St. Thomas Mount Police Station,
Chennai.
3. The Inspector of Police,
S-1 Police Station,
St. Thomas Mount,
Chennai - 16.

4. Vasanthi

... Respondents

Writ Petition filed under Article 226 of the Constitution praying to issue a Writ of Mandamus, directing the 1st respondent to take appropriate



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action against the 2nd respondent for misuse of power and causing harassment to the petitioners at the instance of third parties and violating Court orders as sought vide representation dated 10.01.2025 by the petitioner and consequently forbearing the 2nd respondent from any manner harassing the petitioners under the guise of enquiry.

For Petitioners : Mr. Syed Aejaaz

For Respondents : Mr. A.Gopinath,
Govt. Advocate (Crl. Side) (for R1 to R3)
Ms. B.Jayanthi (for R4)

ORDER

This Writ Petition has been filed for directing the first respondent to take appropriate action as against the second respondent on the representation dated 10.01.2025.

2. Heard the learned counsel for both sides and perused the materials available on record.

3. The petitioners, claiming a share in their family property, filed a suit for partition in O.S. No. 199 of 2012 on the file of the Sub Court, Tambaram, as against the three brothers. On the strength of the ex-parte



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decree dated 15.07.2014, they entered into the house of the fourth respondent and damaged 80% of the house property. Therefore, on the complaint lodged by the fourth respondent, the First Information Report has been registered in Crime No. 33 of 2025 for the offences under Sections 191(2), 191(3), 329(4), 324(4), 305(a), 351(3), and 190 of BNS. In order to escape from the clutches of law, the petitioners lodged a complaint against the second respondent, who is the Assistant Commissioner of Police, on the ground that he is interfering with the civil dispute pending between the petitioners and the fourth respondent's family.

4. The learned counsel for the fourth respondent would submit that she is none other than the second petitioner's brother's wife. Thereafter, the fourth respondent's husband died and utilising the said opportunity, the petitioners are now claiming a share in respect of the property owned by the fourth respondent. The petitioners filed the suit in O.S. No. 199 of 2012 for partition. They obtained an ex-parte decree by mentioning the wrong address of the fourth respondent. Subsequently, it was set aside and the suit is pending for trial.



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5. In the meanwhile, the petitioners, along with rowdy elements, entered into the fourth respondent's house and completely damaged it. Due to which, the complaint lodged by the fourth respondent and the First Information Report has been registered on the file of the third respondent as against the petitioners and others. Therefore, the complaint lodged by the petitioners is nothing but an attempt to escape from the clutches of law. As such, this Writ Petition is devoid of merits and it is liable to be dismissed.

6. Accordingly, this Writ Petition is dismissed. However, the third respondent is directed to take appropriate action as against the petitioners in the light of the First Information Report against them in the manner recognized by law. Consequently, the connected miscellaneous petitions are closed. No costs.

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Index: Yes/No
Neutral Citation: Yes/No
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G.K.ILANTHIRAIYAN, J.

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