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W.P.(Crl.) No.854 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2025

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

W.P.(Crl.) No.854 of 2025

S.Aparajitha @ Ammu
Rep. by power agent Vatsala

... Petitioner

Vs.

- 1.The Commissioner of Police,
Office of the Commissioner of Police,
Vepery, Chennai-600 007.
- 2.The Deputy Commissioner of Police,
Office of the Deputy Commissioner of Police,
T.Nagar, Chennai-600 017.
- 3.The Inspector of Police,
R-4, Pondy Bazaar Police Station,
T.Nagar, Chennai-600 017.
- 4.R.Jothiswari
[R4-impleaded vide order made in
WMP.(Crl.) 528 of 2025 in
W.P.(Crl.) 854 of 2025 dated 15.10.2025
by NSKJ]

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the third respondent to give back the keys to the petitioner by considering her representation dated 11.08.2025.



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For Petitioner : Mr.M.Mohammed Riyaz
for Mr.K.Gowthaman

For Respondent : Mr.K.M.D.Muhilan, APP
Nos.1 to 3

For Respondent-4 : Mr.M.Velmurugan
Impleaded party

ORDER

The present Petition has been filed seeking a direction to the third respondent to give back the keys to the petitioner by considering her representation dated 11.08.2025.

2. Heard the learned counsel for the petitioner and learned Additional Public Prosecutor for the respondents 1 to 3 as well as the learned counsel for the impleaded party/fourth respondent.

3. The learned counsel for the petitioner submitted that the petitioner herein is represented by her mother S.Vathsala, power agent and she is the absolute owner of the subject property as the same was bequeathed by her grandfather S.Subramanian to the petitioner through a Will dated



03.02.2020, which was duly confirmed by this Court in TOS No.6 of 2021

vide order dated 21.06.2024. He contended that the subject property was locked as the petitioner is residing out of town and when her parents visited there on 02.08.2025, the fourth respondent herein along with one Ravi occupied the property and threatened them with dire consequences and also demanded a sum of Rs.3 Crores to vacate the said property by showing fraudulent documents. He further contended that the petitioner's parents were confined by the fourth petitioner along with goons and they were rescued by the third respondent, who had also locked the premises and taken the key. Thereafter, the petitioner gave a complaint on 02.08.2025 in person and complaints on 11.08.2025 and 12.08.2025 through on-line and registered post but the police neither conducted enquiry nor registered any complaint against the accused and also not returned the key and they are supporting the accused persons. Hence, the present Petition.

4. The learned Additional Public Prosecutor on instructions submitted that the respondent police have neither indulged in any activities as stated by the petitioner nor having the key of the subject property.



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5. The learned counsel for the fourth respondent/impleaded party submitted that the subject property was purchased by the fourth respondent's husband from the petitioner's grandfather and she is residing there for the past six years. While so, on 02.08.2025, the parents of the petitioner illegally trespassed into the subject property in a car along with henchmen and threatened her with dire consequences for which she had lodged a complaint on 02.08.2025 and the same was registered only on 11.08.2025. He contended that the petitioner claims the property by way of an unregistered Will stating that the same was probated by this Court vide order dated 21.06.2024, suppressing the fact that the Probate order was stayed by the Division Bench of this Court in OSA.No.173 of 2024 dated 06.11.2024 and the petitioner had also obtained property tax records, EB and Patta records on her name fraudulently. He also submitted that the original title documents of the subject property are with the fourth respondent. Hence, he prayed this Court to dismiss the petition.

6. On perusal of the case reveals that the impleaded party/fourth respondent seeks to establish the unregistered agreement said to have been entered in the year 2019. This Court observes that the said unregistered



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agreement was written in Rs.500/- stamp paper whereas at the relevant point of time, only Rs.20/- stamp papers have been utilized for writing such documents, which creates suspicion. It is to be noted that admittedly, the alleged sale agreement was not enforced and even as per the alleged agreement also, the possession not handed over and it is to be seen that the alleged sale agreement was not enforced as on date. Hence, at this stage no relief can be granted to the impleaded party. However, this Court is of the opinion that the rival parties can agitate their rights and establish their entitlement of the subject property before the Civil Court. It is also made clear that the police personnels are directed not to interfere in regard to the possession of the subject property, unless any law and order problem arises.

7. With the above observations and directions, the Criminal Original Petition stands disposed of.

15.10.2025

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To

- 1.The Commissioner of Police,
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- 2.The Deputy Commissioner of Police,
Office of the Deputy Commissioner of Police,
T.Nagar, Chennai-600 017.
- 3.The Inspector of Police,
R-4, Pondy Bazaar Police Station,
T.Nagar, Chennai-600 017.
- 4.The Public Prosecutor,
Madras High Court.



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N.SATHISH KUMAR.J.

DP

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