



Crl.O.P.No.7068 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 29.04.2026
PRONOUNCED ON : 01.06.2026

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.7068 of 2026
and Crl.M.P.No.5118 of 2026

U.Kanniammal

... Petitioner

Vs.

1.The Commissioner of Police,
Avadi, Avadi Police Commissionerate,
Tiruvallur District.

2.The Inspector of Police,
T9 Pattabiram Police Station,
CTH Main Road,
Chennai – 72.

3.The Superintendent of Police,
CBCID Head Quarters,
Pantheon High Road, Egmore,
Chennai – 600 008.

... Respondents

Prayer: Criminal Original Petition filed under Section 528 of BNSS/482 of Cr.P.C. to withdraw the investigation in Crime No.388 of 2024 from the file of the 2nd respondent and to transfer the same to the 3rd respondent for fair and impartial investigation.



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CrI.O.P.No.7068 of 2026

For Petitioner : Mr.R.Darshan

For Respondent : Mr.Leonard Arul Joseph Selvam
Additional Public Prosecutor

ORDER

The petitioner on whose complaint case registered in Crime No.388 of 2025 for the offence under Sections 147, 448, 323, 294(b) and 427 IPC filed the above petition seeking transfer of investigation from the file of second respondent to third respondent.

2.The contention of the learned counsel for the petitioner/defacto complainant is that a property comprised in S.No.361/1, Thandurai Village measuring about 4250 sq.ft. belonged to one Kamalammal, who purchased the same by sale deed Document No.174/1959 dated 29.01.1959. Kamalammal's husband predeceased her and they had no issues. Kamalammal had two brothers, namely, V.Srinivasan and V.Rathinam. The petitioner is the daughter of V.Rathinam. In the year 2000, Kamalammal fell down and sustained fracture in left leg, due to which, her movement restricted, later her leg was also amputated. The petitioner's daughter Charumathi took care of Kamalammal during this period and hence, out of



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love and affection, Kamalammal executed a Will dated 13.07.2014 in favour of Charumathi. Kamalammal died on 16.09.2014 and thereafter, Charumathi became the absolute owner of the property as per the Will and Charumathi executed a Settlement deed dated 30.09.2014 vide Document No.12411/2014 in favour of the petitioner. One Chandra, daughter of V.Srinivasan filed a declaration suit in O.S.No.369 of 2015 before the Principal District Munsif Court, Poonamallee against the petitioner and her daughter to declare the settlement deed dated 30.09.2014 as null and void. Later it was transferred to the Sub Court, Poonamallee and renumbered as O.S.No.689 of 2019. The said Chandra's father V.Srinivasan filed another suit in O.S.No.274 of 2016 before the Sub Court, Poonamallee against all the legal heirs claiming partition. The Sub Court by order dated 10.06.2016 in I.A.No.991 of 2015 in O.S.No.369 of 2015 ordered Status quo to be maintained and directed the plaintiff and defendants therein not to deal with the property, create any encumbrance or execute any other document. The petitioner filed a declaration suit in O.S.No.282 of 2024 before the II Additional District Court, Poonamallee. Thus, in these circumstances on 21.04.2022 at 10.50 a.m., Chandra accompanied by Advocates Dinesh, Godwin and six unknown person in white and black uniform along with five



workers trespassed into the property and started to fence half portion of the property. When the petitioner questioned the same, Chandra pushed her down and beaten her. The others joined her, shown force and abused the petitioner using filthy language and threatened her to do away. The petitioner's son and daughter who intervened were also abused and threatened. The Advocates also shown force and assaulted the defacto complainant and her family members.

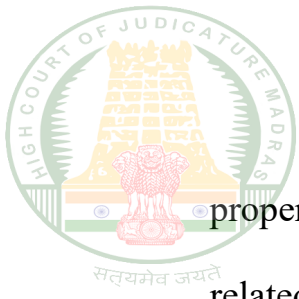
3.The petitioner called the Police helpline but there is no response despite multiple calls. Thereafter the petitioner called her Advocate who informed the second respondent to visit the subject property. The petitioner also took photographs and videos of the assault committed by Chandra, her Advocates and henchmen. The respondent police came to the scene of occurrence with a delay of 1½ hours waiting for the compound wall to be demolished and putting up of the fence, thus giving time and leverage to the encroachers and offenders to complete their mission. It was found that one Balamurugan, Advocate who represents Chandra in civil cases is presently Additional Public Prosecutor in Poonamallee called the second respondent police and given instructions, due to which the respondent police also



CrI.O.P.No.7068 of 2026

become complacent and not respondent to the emergency call to save the petitioner's life and property. Thereafter, the petitioner sent a detailed representation to the Secretary, Home Department and others on 22.04.2022 but no action taken. Hence, the petitioner filed a petition under Section 156(3) Cr.P.C. in C.M.P.No.2223 of 2025 seeking directions to investigate the case and the learned Magistrate by order dated 17.04.2025 directed the second respondent police to conduct an enquiry and to proceed in accordance with law. Further in the FIR, the respondent police omitted to include the names of the accused and not included the provisions of law properly and in fact, FIR records that earlier C.S.R.No.268/2022 was assigned on 21.04.2022 and thereafter FIR was filed. The respondent police right from the initial stage have been complacent with Chandra, her Advocates and her henchmen who committed the offence at the inception of Balamurugan, Additional Public Prosecutor. Hence, the petitioner filed this petition seeking transfer of investigation since she apprehends that there will be no justice and the case in all probability will be closed.

4.The learned Additional Public Prosecutor objected to the petitioner's complaint and submitted that during investigation it was found that the



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property belongs to one Kamalammal, the petitioner and Chandra are closely related and there is a civil suit pending in O.S.No.369 of 2015, in which, Status quo ordered. The said Chandra well aware about the Status quo order went to the property, picked up quarrel with the petitioner and used force. During investigation, it was found that Balamurugan, Additional Public Prosecutor against whom allegations have been made, was not at all present in the scene of occurrence. Further, the said Chandra, her husband Mani, Advocate Dinesh and some workers were present in the scene of occurrence but there was no casualty or damage caused. Further the dispute is now pending before the Civil Court and the witnesses examined in the scene of occurrence confirm that there was only exchange of heated words and there was no physical assault and the complaint seems to be magnified and exaggerated one. The statement of three witnesses, namely, Kanniammal wife of Umapathi who is the defacto complainant, her daughter Charumathi and one Raghu recorded, observation mahazar and rough sketch prepared and finding that it is a civil dispute, now steps have been taken to close the case as further action dropped.

5.This Court on the submission and on filing of the status report and



the draft closure report was not satisfied with the explanation, hence directed

the respondent police to produce the CD file. On perusal of the same, it is seen that the letter said to have been given by Kanniammal/defacto complainant on 21.04.2022 itself creates doubt. The complaint has been written even below the signature of Kanniammal which go to show signature obtained earlier and complaint filled up. Further, for the incident taken place on 21.04.2022 FIR came to be registered only after five months and thereafter, no action taken. Despite filing petition under Section 156(3) Cr.P.C. in CMP.No.2223 of 2025, the complaint of the petitioner not been properly investigated. A statement has been recorded stating that the defacto complainant appeared on 23.04.2022 for enquiry. The said Chandra has given a letter stating that she appeared for enquiry on 06.08.2022. The photographs and videos submitted by the petitioner through pendrive and Compact Disc not been viewed, no reference made to the group of persons in white and black attire and no enquiry conducted with regard to musclemen. What steps taken against the Advocates who violated the Conduct rules and what steps taken to inform and collect the details of Advocates from Bar Council of Tamil Nadu and Puducherry, what steps taken to identify the persons and to collect the details, nothing is available



Crl.O.P.No.7068 of 2026

which confirms that there is no investigation of any sort has been carried out. There might be civil cases pending but that does not give a license to use force, enter the property, misuse and tarnish the name of legal profession, armed men entering the property and creating encumbrance, demolishing the compound wall is not in discharge of professional obligation of an Advocate and cannot be approved.

6.In view of the above, this Court transfers the entire investigation in Crime No.388 of 2025 from the file of the second respondent police to the Assistant Commissioner of Police, Pattabiram who to complete the investigation and file a final report within a period of six months from the date of receipt of a copy of this order.

7.With the above directions, the Criminal Original Petition stands allowed. Consequently, the connected miscellaneous petition is closed.

01.06.2026

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
cse



Crl.O.P.No.7068 of 2026

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To

- 1.The Commissioner of Police,
Avadi,
Avadi Police Commissionerate,
Tiruvallur District.
- 2.The Inspector of Police,
T9 Pattabiram Police Station,
CTH Main Road,
Chennai – 72.
- 3.The Superintendent of Police,
CBCID Head Quarters,
Pantheon High Road,
Egmore,
Chennai – 600 008.
- 4.The Assistant Commissioner of Police,
Pattabiram Range,
A1, Pattabiram Police Quarters,
Pattabiram, Chennai – 600 072.
- 5.The Public Prosecutor,
High Court, Madras.



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Crl.O.P.No.7068 of 2026

M.NIRMAL KUMAR, J.

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Pre-delivery order made in

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