

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.26404 of 2015

Dhanamma

... Petitioner

Vs

1.State represented by
Deputy Commissioner of Police,
Rajaji Salai, Chennai - 600 001.

2.State rep by
Inspector of Police,
C-2 Elephant Gate Police Station,
Chennai - 600 079.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the 2nd respondent to provide police aid and protection along with women police to the petitioner at the time of execution of the warrant as per the order passed in E.P.No.2976 of 2006 pending on the file of the X Assistant City Civil Court, Chennai.

For Petitioner : Mr.P.B.Balaji

For Respondents : Mr.C.Emalias,
Additional Public Prosecutor

सत्यमेव जयते
O R D E R

The present criminal original petition has been filed seeking a direction to the 2nd respondent to provide police aid and protection along with women police to the petitioner at the time of execution of the warrant as per the order passed in E.P.No.2976 of 2006 pending on the file of the X Assistant City Civil Court, Chennai.

2. In the petition it has been stated that the petitioner is a decree holder in E.P.No.2976 of 2006 on the file of X Assistant, City Civil Court, Chennai. The said Execution Petition was filed for execution of the decree in O.S.No.8663 of 1994 dated 04.07.2006, on the file of V Assistant City Civil

Court, Chennai. Though delivery was ordered in the said E.P.No.2976 of 2006 as early as December, 2011, the petitioner was unable to execute the delivery order, as one of the respondents in the above said E.P. threatened to commit suicide. Therefore, the petitioner is constrained to file applications for breaking open the lock, for police protection to the bailiff, to accompany the bailiff at the time of execution of the warrant and the decree in O.S.No.8663 of 1994 and the same were allowed in the year 2012 and 2013 itself. But inspite of such orders, she was not in a position to execute the warrant due to non-availability of police aid and protection. Hence, the petitioner has filed the present criminal original petition.

3. I have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

4. In view of the submissions made on either side, this Court directs the petitioner to give a representation to the 2nd respondent along with the copy of this order within a period of one week from the date of receipt of a copy of this order, and on receipt of the same, the 2nd respondent is directed to consider the said representation and pass appropriate orders with regard to providing of police protection along with women police at the time of executing the warrant.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

vsm
To

1.The Deputy Commissioner of Police,
Rajaji Salai, Chennai - 600 001.

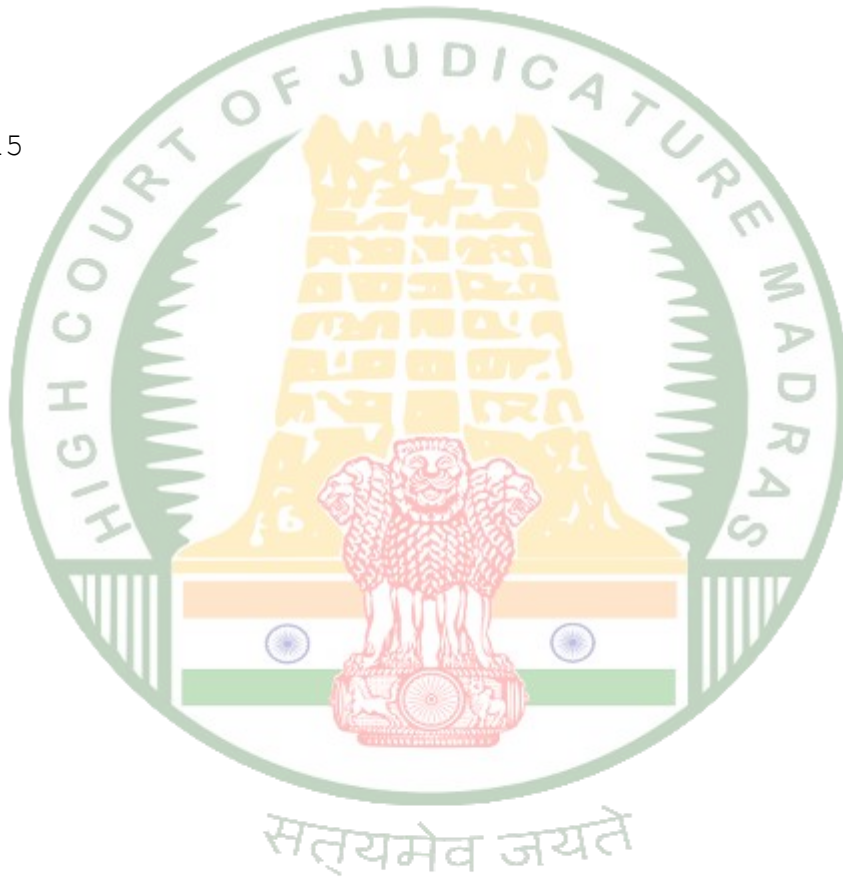
2.The Inspector of Police,
C-2 Elephant Gate Police Station,
Chennai - 600 079.

3.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.P.B.Ramanujam, Advocate sr.62040

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