

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.27965 of 2015

G.Latha

Rep. by her General Power of Attorney

D.Raja

...Petitioner

Vs

1. The Commissioner of Police,
Thiruppur Corporation,
Thiruppur.

2. The Assistant commissioner of police,
Thiruppur North Zone,
Thiruppur.

3. The Inspector of Police,
Thiruppur North Police Station
Thiruppur.

...Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the first and second respondents herein to provide adequate police protection to the petitioner and to the property comprised in Old S.F.No.601, New S.F.No.755, T.S.No.648, Tharam Rs.4.00 in which P.A.4.94 and Old S.F.No.602 New S.F.No.756, T.S.No.651, P.A.4.55, Tharam Rs.5.11.0, in which, P.A.2.15 ½ and hence, totally measuring P.A.14.19 in which half share of P.A.7.9 ½ of land and well situated in S.F.601 and now, the property situated in ward, Old Patta No.32B, New Patta No.10701, New T.S.No.56 to 128 all other appurtenants therein situate at Thottipalayam village, Tiruppur Taluk, Tiruppur Registration District, based on complaint dated 23.09.2015 on the file of the 3rd respondent.

For Petitioner : Mr.C.Prabakaran

For respondents : Mr.C.Emalias,
Addl.Public Prosecutor

O R D E R

The present petition has been filed to direct the first and second respondents herein to provide adequate police protection to the petitioner and to the property.

2. The petitioner is the power of attorney of the property of G.Latha. The disputed property originally belongs to Hindu undivided joint family property of Latha, her mother Sarojini and her sister Valarmathi. The dispute is with regard to the share over the property. Hence, the petitioner filed a suit before the Sub-Court Tiruppur, for partition of 1/3rd share over the suit properties and the suit was decreed ex-parte on 20.01.2014. Thereafter, a settlement was arrived at between the parties and a memorandum of compromise was entered into between them on 10.04.2014. Recording the compromise memo, the Sub-Court, Thirupur, passed a final decree on 21.04.2014. Thereafter, the petitioner was allotted 'A' scheduled property. In order to develop the property, the said Latha executed a general power of attorney to the petitioner. The petitioner had taken steps to clean the property and put up fence. Whiles, one Vijayalakshmi, Thangamuthu and their henchmen made an attempt to interrupt the possession, disturbed and threatened the petitioner. Subsequently, the said Vijayalakshmi and others broke open and entered into the property and caused hindrance to the possession and enjoyment of the property by the petitioner and threatened the petitioner with dire consequences. Hence, the petitioner lodged a complaint before the 3rd respondent on 23.09.2015. The same was taken on file in CSR.No.816 of 2015 but till date no action was taken. Hence, the present petition.

3. When the matter is taken up for consideration, learned Additional Public Prosecutor submitted that already a civil suit is pending and when the civil suit is pending, the petitioner can seek remedy only in the civil suit filed by him and the respondent police cannot be given a direction to give police protection.

4. Considering the factual aspects of the case, this Court directs the respondent police to conduct an enquiry in C.S.R. No.816 of 2015 and during the course of enquiry, if the respondent police comes to the conclusion that the matter is civil in nature, they can pass appropriate order on the complaint given by the petitioner.

4. Accordingly, the criminal original petition is disposed of.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Commissioner of Police,
Thiruppur Corporation,
Thiruppur.
2. The Assistant commissioner of police,
Thiruppur North Zone,
Thiruppur.
3. The Inspector of Police,
Thiruppur North Police Station
Thiruppur.
4. The Public Prosecutor,
High Court, Madras.

1 CC to Mr.C.Prabakaran, Advocate SR.No. 63101

सत्यमेव जयते

Crl.O.P.No.27965 of 2015

BVR (CO)
PSI (23.11.2015)

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