

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2015

CORAM

The Hon'ble Mr. Justice R.S.Ramanathan

Crl.O.P.No.5376 of 2015

Mrs.Usha Kumari

...Petitioner

vs.

1.The Assistant Commissioner of Police,
No.132, EVR Salai, Kilpauk,
Chennai - 600 010.

2. The Inspector of Police,
K-6, Police Station,
No.121, Kilpauk Garden,
T.P.Chatram Main Road,
Jyothi Ammal Nagar,
Shenoy Nagar, Chennai - 600 030.

...Respondents

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code praying to direct the petitioner's representation, dated 25.02.2015, to the first respondent to instruct his subordinate, the second respondent for helping the petitioner and her minor son with police protection and for right of entry and access to the scheduled property mentioned in the clause 2 of page No.5 of the order passed in C.C.No.2 of 2012, on 12.09.2012, by the V Metropolitan Magistrate, Egmore, Chennai 600 008 for peaceful possession occupation and enjoyment in the scheduled property.

For Petitioner : Ms.V.Preetha

For Respondents: Mr.M.Maharaja
Additional Public Prosecutor

O R D E R

It is submitted by the learned counsel appearing for petitioner that, by order, dated 12.04.2012, passed by the learned V Metropolitan Magistrate, Egmore, Chennai, in C.C.No.2 of 2012, the petitioner was given protection order to stay in the scheduled property, bearing No.5, 5th Street, T.P. Chatham,

Chennai - 30, along with her son and the respondents in the said C.C.No.2 of 2012, were restrained by protection order not to disturb the possession of the petitioner and her son. Despite of the said order, the petitioner and her son were thrown away from the aforesaid property, and therefore, complaint was given and the petitioner also seeks police protection to her and her son to reside in the property, as per order passed in C.C.No.2 of 2012.

2. The learned Additional Public Prosecutor for the respondent/Police submitted that the order passed by the learned V Metropolitan Magistrate, Egmore, Chennai, in C.C.No.2 of 2012 was set aside in C.A.No.134 of 2012, on the file of III Additional Sessions Judge, Chennai, and in that Appeal, the petitioner herein was represented by her counsel and after hearing both parties, the Appeal was allowed and the order passed in C.C.No.2 of 2012, was set aside and now, the petitioner seeks right to reside in the property on the basis of the order passed in C.C.No.2 of 2012. Therefore, finding no merit in the Criminal Original Petition, the same is dismissed.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

sd

To

1.The Assistant Commissioner of Police,
No.132, EVR Salai, Kilpauk,
Chennai - 600 010.

2. The Inspector of Police,
K-6, Police Station,
No.121, Kilpauk Garden,
T.P.Chatram Main Road,
Jyothi Ammal Nagar,
Shenoy Nagar, Chennai - 600 030.

3. The Public Prosecutor,
High Court, Madras.

4. The V Metropolitan Magistrate
Egmore Chennai

1 cc to Mrs.V. Preetha, Advocate, st. 12877

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LRS (CO)
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