

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

CrI.O.P.No.8105 of 2015

Leela Joseph

... Petitioner

Vs

1.The Inspector of Police,
E-1, Police Station,
Mylapore,
Chennai 600 004.

2.J.Damien

.... Respondents

(R.2 impleaded as per order dated
11.6.2015 made in M.P.No.1 of
2015)

Criminal Original Petition filed under Section 482 Cr.P.C.
to direct the respondent to provide adequate police protection to
carry out the improvements and alteration in the petitioner's
premises situated at Door Nos.8, 9 and 10, Rosary Church Road,
Mylapore, Chennai 600 004 based on the petitioner's representation
dated 13.03.2015.

For Petitioner : Mr.R.Murali

For Respondents : Mr.C.Emalias,
Addl.Public Prosecutor,
for R.1

ORDER

The present criminal original petition has been filed
seeking a direction to the first respondent to provide adequate
police protection to carry out the improvements and alteration in the
petitioner's premises situated at Door Nos.8, 9 and 10, Rosary
Church Road, Mylapore, Chennai-4 based on her representation dated
13.3.2015.

2. It is the case of the petitioner that pursuant to the Will dated 6.5.1992 executed by her husband Joseph Swaminathan, the petitioner was endowed with the life interest of the property situated at Door Nos.8, 9 and 10, Rosary Church Road, Mylspore, Chennai. The said Will has been duly probated and pursuant to the said Will, she is in possession and enjoyment of the said property without any hindrance. Further, she has rented out few portions of the said property. While so, the second respondent is interfering with her peaceful possession and enjoyment of the said property and also continuously interferes with the occupation of the tenants of the property. Hence, she has lodged a complaint with the respondent police on 7.7.2014. Now, the second respondent has started to issue life threats and harass her by engaging hooligans to her residence. At the age of 72 years, the petitioner is struggling hard to make her livelihood from the said property. Hence, she has made a detailed representation dated 13.3.2015 to the first respondent to provide adequate police protection. Since the said representation was not considered so far, the petitioner has come up with the present petition.

3. Learned counsel appearing for the petitioner submitted that in similar circumstances, this Court in Crl.O.P.No.8924 of 2013, by order dated 12.3.2014, has given a direction to the respondent police in that case to give police protection to the petitioner therein. Following the same, similar direction could be given in this petition also.

4. Learned Additional Public Prosecutor submitted that the petitioner may be directed to give a fresh representation to the first respondent police and on such representation, the first respondent police may be directed to pass appropriate orders.

5. In view of the submissions made on either side, this Court directs the petitioner to give a fresh representation to the first respondent police within a period of two weeks from the date of receipt of a copy of this order, along with a copy of this order and on receipt of the same, the first respondent police is directed to consider the same by affording an opportunity of hearing to the petitioner as well as the second respondent and pass appropriate orders in the light of the order passed by this Court in Crl.O.P.No.8924 of 2013 dated 12.3.2014, within a period of two weeks thereafter. The criminal original petition is disposed of accordingly.

-sd-

Assistant Registrar,

//True Copy//

Sub-Assistant Registrar

sbi

To

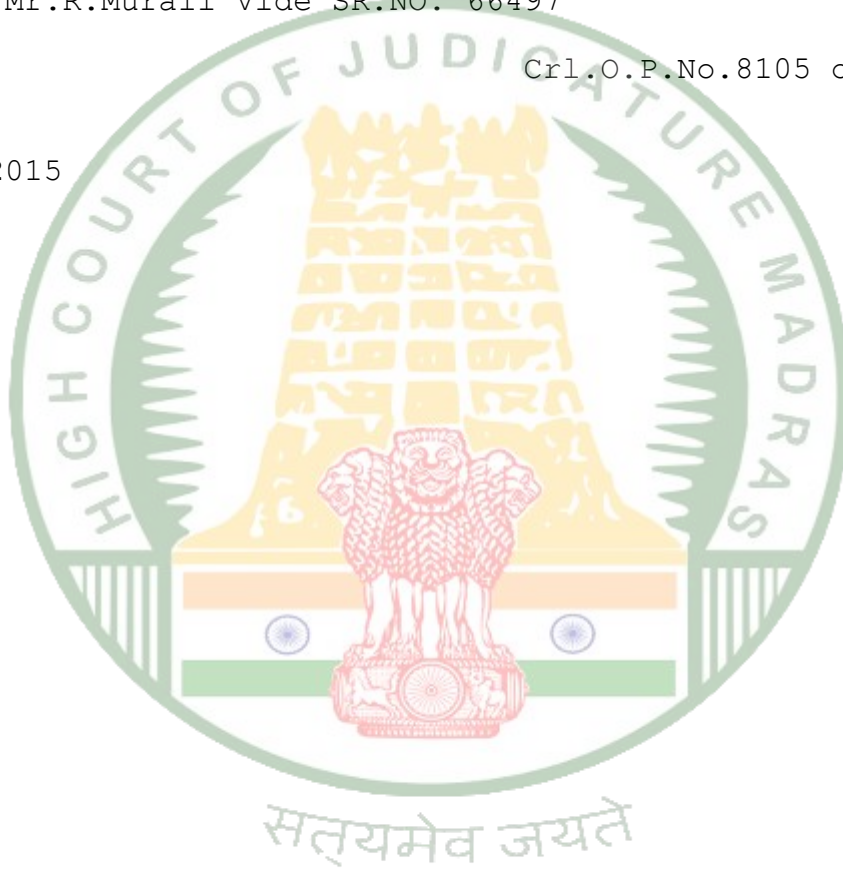
1.The Inspector of Police,
E-1, Police Station,
Mylapore,
Chennai 600 004.

2. The Public Prosecutor,
High Court, Madras.

+1 C.C.to Mr.R.Murali Vide SR.NO. 66497

Crl.O.P.No.8105 of 2015

SKV (CO)
SL 29/12/2015



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