

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

CrI.O.P.No.26778 of 2015

Smt.Thabeetha
W/o.Thiru Victor
Rep by her Power Agent
D.Yashwanth Raj

.. Petitioner

Vs.

1.The State Rep by
The Inspector of Police
V-4, Rajamangalam Police Station
Kolathur, Chennai - 99.

2.Murali
S/o.Jagadeesan

3.Prabakaran
S/o.A.Vedhachalam

... Respondents

Prayer:

Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the 1st respondent police to provide adequate police protection to the petitioner's life and property situated in Survey No.34/3, 34/4, 34/5 and 34/6, Block No.13, T.S.No.67, Plot No.18-A (New Door No.40), Old Zone-IV, Old Division No.62, New Zone-VI, New Division No.65, 2nd street, Dhayalu Nagar, Kolathur, Chennai - 600 099 totally to an extent of 1,800 sq.ft pursuant to the order of the civil court in O.S.No.2861/2015 passed by the learned XV Assistant Judge, City Civil Court, Chennai on the light of the G.O.Ms.No.1580, Home (POL.VII) Department dated 24.11.2008 and the same was also observed in CrI.O.P.No.10920 of 2014 dated 29.04.2014 passed by this Court.

For Petitioner : Mr.M.V.Muralidharan

For Respondent : Mr.C.Emalias,
Addl. Public Prosecutor for R1
R2 and R3 - Notice Served

O R D E R

The petitioner has come forward with the present petition seeking to direct the 1st respondent police to provide adequate police protection to the petitioner's life and property situated in Survey No.34/3, 34/4, 34/5 and 34/6, Block No.13, T.S.No.67, Plot No.18-A (New Door No.40), Old Zone-IV, Old Division No.62, New Zone-VI, New Division No.65, 2nd street, Dhayalu Nagar, Kolathur, Chennai - 600 099.

2. The learned counsel appearing for the petitioner would submit that the petitioner has filed a suit in O.S.No.2861/2015 and also obtained an interim order of injunction in I.A.No.7456/2015. Subsequently, the said order of interim injunction was also made absolute. But the respondents 2 and 3 attempted to interfere with the possession and made a threat to the life of the petitioner and hence, the petitioner was constrained to submit a representation dated 28.08.2015. However, no action was taken against the said representation and hence, the petitioner has come forward with the present petition for the above stated relief.

3. On the other hand, the learned Additional Public Prosecutor appearing for the first respondent would submit that the representation made by the petitioner is under consideration.

4. Considered the rival submissions made by both sides and perused the typed set of papers.

5. Though the learned counsel appearing for the petitioner would submit that the petitioner has obtained a decree in O.S.No.2861/2015, no document has been filed to that effect. However, on perusal of the fair and decreetal order made in I.A.No.7456/2015 in O.S.No.2861/2015 which has been filed in the typed set of papers would show that interim injunction has been made absolute in respect of the property mentioned in the present petition.

6. In such circumstances, I am of the considered view that it is a fit case to direct the first respondent to consider the representation dated 28.08.2015 made by petitioner and pass appropriate order on merits and in accordance with law, within a period of 15 days from the date of receipt of a copy of this order, after giving opportunity to both sides.

7. The Criminal Original Petition is disposed of with the above direction.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

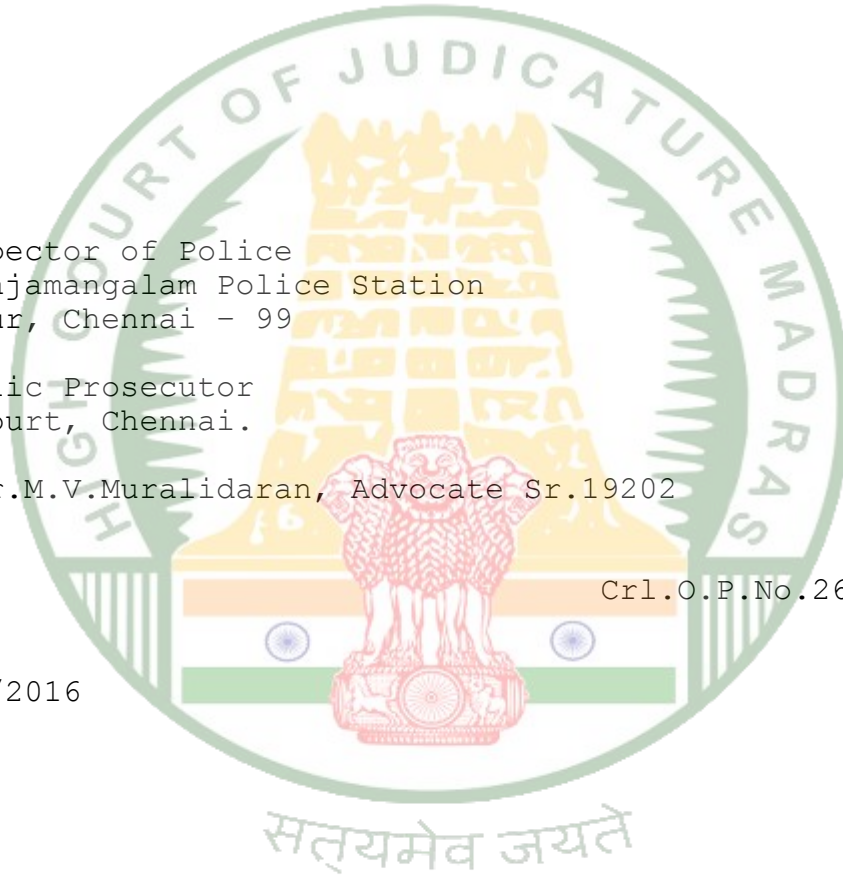
1.The Inspector of Police
V-4, Rajamangalam Police Station
Kolathur, Chennai - 99

2.The Public Prosecutor
High Court, Chennai.

+1cc to Mr.M.V.Muralidaran, Advocate Sr.19202

Crl.O.P.No.26778 of 2015

mp[col]
srg 25/04/2016



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