

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.O.P.No.24990 of 2016

S.Sathya

.. Petitioner

Vs.

1.The Superintendent of Police,
Salem District,
Salem.

2.The Inspector of Police,
Kolathur Police Station,
Salem District. ... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to direct the respondents police to provide adequate police protection to the life of the petitioner and her family members and her property situated in Survey No.145/2 in Patta No.749-0.04 cents (0.01.5 hectares) and Survey No.145/3 in Patta No.804 to an extent of acre 1.85 ½ cents (0.75.0 hectares) at Kannamuchi Village, Kolathur Via, Mettur Taluk, Salem District by considering her representation dated 19.09.2016.

For Petitioner : Mr.B.Sundara Pandiyan

For Respondents : Mr.C.Emalias

Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking direction to the respondents to provide adequate police protection to the life of the petitioner and her family members and her property situated in Survey No.145/2 in Patta No.749-0.04 cents (0.01.5 hectares) and Survey No.145/3 in Patta No.804 to an extent of acre 1.85 ½ cents (0.75.0 hectares) at Kannamuchi Village, Kolathur Via, Mettur Taluk, Salem District by considering her representation dated 19.09.2016.

2. It is the case of the petitioner that she is the owner of the disputed property, and that Chennakesavan and his family member are causing disturbance to the petitioner frequently.

3. The learned Additional Public Prosecutor submitted that on the complaint given by the petitioner, the respondent police have registered a case in Crime No.167 of 2016 for the offences under Sections 147, 148, 447, 294(b), 341, 427, 506(ii) IPC against Chennakesavan and 5 others and investigation is pending. The petitioner has also sent a representation dated 19.09.2016 by registered post.

4. The direction as prayed for cannot be granted in a proceedings under Section 482 Cr.P.C., in the light of the law laid down by the Hon'ble Supreme Court in State of Punjab Vs. Davinder Pal Singh Bhullar and others [(2011) 14 SCC 770], wherein, the Supreme Court has stated that the power under Section 482 Cr.P.C. can be invoked in respect of matters that are pending in a Court subordinate to High Court. However, in view of the FIR registered against the said Chennakesavan, the police shall ensure that no harm befalls the petitioner and her family members. If there is further threat from the opposite party, it is open to the petitioner to go in person and lodge a fresh complaint, and on such complaint being given, the same shall be enquired.

5. With the above direction, this Criminal Original Petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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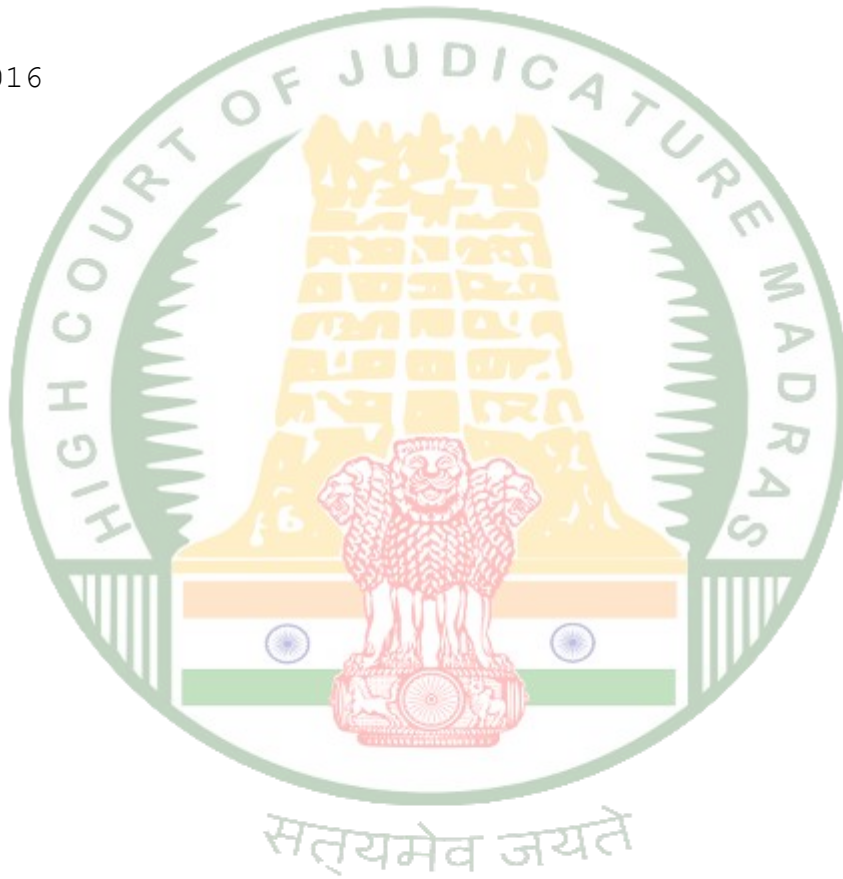
To:

- 1.The Superintendent of Police,
Salem District,
Salem.
- 2.The Inspector of Police,
Kolathur Police Station,
Salem District.
- 3.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.A.Rajesh Kanna Advocate sr 65730

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