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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2016

CORAM:

**THE HONOURABLE MR. JUSTICE P.N.PRAKASH**

Crl.O.P. (MD) Nos.23467 and 23523 of 2015

and

Crl.M.P. (MD) No.1367 of 2016

Crl.O.P. (MD) No.23467 of 2015:

K.Murugesan

... Petitioner

Vs.

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

2.The Inspector of Police,  
Manamadurai Town Police Station,  
Sivagangai District.

3.Visalakshi

... Respondents

PRAYER: The Criminal Original Petition is filed under 482 of Cr.P.C., directing the respondents 1 and 2 to provide adequate police protection to the petitioner for entering and to manage his house property without any hindrance from the 3<sup>rd</sup> respondent and her family members based on the petitioner's complaint dated 05.12.2015 within the time frame that may be stipulated by this Court.

|                 |                                                                                                 |
|-----------------|-------------------------------------------------------------------------------------------------|
| For Petitioner  | : Mr.G.Thalaimutharasu                                                                          |
| For Respondents | : Mr.A.P.Balasubramani,<br>G.A. for R1 and 2<br>Mr.G.Prabhu Rajadurai for<br>Mr.V.Kanikandan R3 |

Crl.O.P. (MD) No.23523 of 2015:

M.Visalakshi

... Petitioner

Vs.

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

2.The Inspector of Police,  
Manamadurai Town Police Station, Manamadurai  
Sivagangai District.

3.Murugesan

... Respondents

PRAYER: The Criminal Original Petition is filed under 482 of Cr.P.C., directing the 2<sup>nd</sup> respondent to give necessary police protection to the petitioner and her physically challenged son and her family member's life and limb on the basis of the petitioner's representation dated 07.12.2015.



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For Petitioner : Mr.G.Prabhu Rajadurai for  
Mr.V.Manikandan  
For Respondents : Mr.A.P.Balasubramani,  
G.A. for R1 and 2  
Mr.G.Thalaimutharasu for R3

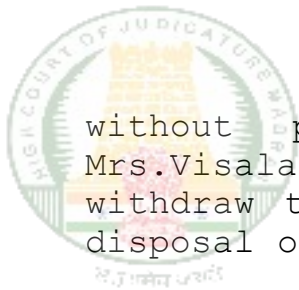
COMMON ORDER

On 05.01.2016 this Court has heard both sides and has passed an interim order giving police protection to the petitioner viz., K.Murugesan.

2. When the matters were listed for further hearing, Mr.G.Thalaimutharasu, learned counsel appearing for the petitioner viz., K.Murugesan, submitted that without prejudice to his defences, his client is willing to pay Rs.7,000/- per month as maintenance for the mentally challenged son namely, Jegan. To that effect he has also filed an affidavit, wherein paragraph 4 it has been stated as follows:

"4. I humbly submit that with the above interim order, this Hon'ble Court was pleased to post the matter on 10.03.2016 and subsequently, posted on 11.03.2016 and this Hon'ble Court expressed concern over my physically challenged son's protection and nourishment. In this regard, I filed this present undertaking affidavit that I being ex serviceman receiving a pension of Rs.10,800/- out of which, a sum of Rs.5,000/- is being deducted towards Housing Loan by the State Bank of India, Manamadurai. Though this Hon'ble Court permitted me to collect the rent in the ground portion of the building, out of 6 portions in the ground floor, my father is residing in one portion and three portions are vacant and only two portions are occupied by tenants and receiving a sum of Rs.2,000/- from each tenant and as such I am receiving a sum of Rs.4,000/- only as rent from the tenants. But, however, there are many approaching me for letting out the building for rent and therefore, there is possibility for eking income from the rental. As of now, I am getting only a sum of Rs.10,000/- per month by way of pension and rent. Under these circumstances, I hereby undertake to give a sum of Rs.7,000/- (seven thousand only) per month towards the maintenance of my son."

3. Without going into the merits of the case, this Court directs K.Murugesan to deposit a sum of Rs.7,500/- per month as ad interim maintenance for the mentally challenged son to the credit of D.V.No.6128 of 2012 on the file of the Judicial Magistrate, Manamadurai, on or before 5<sup>th</sup> of every English calendar month,



without prejudice to his defence and on such deposit, Mrs.Visalatchi, who is the wife of the petitioner, is entitled to withdraw the same. The said amount shall be deposited till the disposal of D.V.No.6128 of 2012.

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4.The D.V.No.6128 of 2012 is pending since 2012, the learned Judicial Magistrate is directed to expeditiously dispose of the same, within a period of 6 months from the date of receipt of a copy of this order.

5.The Criminal Original petitions are disposed of. Consequently, connected Crl.M.P.is closed.

Sd/-  
Assistant Registrar(R)

/True Copy/

Sub-Assistant Registrar

To

1.The Judicial Magistrate, Manamadurai

2.The Superintendent of Police,  
Sivagangai District, Sivagangai.

3.The Inspector of Police,  
Manamadurai Town Police Station,  
Sivagangai District.

+One cc to Mr.V.Manikandan, Advocate, SR.No.14523

nbj

RL/5C/3P/GSV/PM/1/4/2016

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11/03/2016