



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:21.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P.(MD)No.10966 of 2017

Mangalammal

... Petitioner

-Vs-

1. The Inspector of Police,
Pettai Police Station,
Tirunelveli,
Tirunelveli District.

2. Kalimuthu
3. Murugan

... Respondents

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the respondent to give police protection to the life and limb of the petitioner who has given the complaint before the respondent police by considering the C.S.R. No.260 of 2016, dated 27.10.2016.

For Petitioner	: Mr.R.Sadagoban Rengasamy
For R-1	: Mr.K.Anbarasan, Government Advocate(Crl. Side).

O R D E R

This Criminal Original petition is filed seeking a direction to the first respondent police to give police protection to the life and limb of the petitioner who has given the complaint before the respondent police by considering the C.S.R.No.260 of 2016, dated 27.10.2016.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Criminal side) appearing for the first respondent.

3. The petitioner states that she is the owner of the property measuring an extent of 20.52 cents in Survey No.2650 by virtue of a registered Sale Deed, dated 5.10.2009. It is the case of the petitioner that her daughter also purchased a property measuring an extent of 10 cents in the same Survey number. It is further stated that the petitioner and her daughter had been given a Joint Patta in



respect of the property purchased by them.

4. It is the further case of the petitioner that the respondents 2 and 3 interfered with the possession of the petitioner and that therefore a civil Suit for permanent injunction was filed by the petitioner as against the second respondent. Alleging that the said Suit was decreed in favour of the petitioner, the petitioner has given a complaint on 27.10.2016, seeking police protection from the respondents 2 and 3 to enable the petitioner to put up a construction in the property purchased by them.

5. It is true that the petitioner has obtained an ex-parte decree as against respondents 2 and 3. However, in the complaint that was given by the petitioner on 27.10.2016, it is stated that the proposed construction by the petitioner was obstructed by five individuals. Though the names of the respondents 2 and 3 were referred to in that complaint, it is not clear from the said complaint as to the claim of the said third parties with regard to the disputed properties. When the petitioner herself states that she has a decree for permanent injunction, it is open to her to move the civil Court under Order 21 Rule 32 of C.P.C.

6. With the above observation, the Criminal Original petition is closed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
Pettai Police Station,
Tirunelveli,
Tirunelveli District.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.S.SADAGOBAN RENGASAMY, ADVOCATE IN SR No. 73732

PMU

TE/KK/SAR-II : 11/09/2017 : 2P/4C